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P.3/154

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Applications of: Kemp *et al.*

- |    |  |                            |
|----|--|----------------------------|
| 1) | U.S. Patent Application No. 09/590,692                               | filed June 9, 2000         |
|    | For: Click based trading with intuitive grid display of market depth |                            |
|    | Now U.S. Patent No. 6,772,132  | issued August 3, 2004; and |
| 2) | U.S. Patent Application No. 09/894,637                               | filed June 27, 2001        |
|    | For: Click based trading with intuitive grid display of market depth |                            |
|    | Now U.S. Patent No. 6,766,304  | issued July 20, 2004       |

MAIL STOP PETITION,  
COMMISSIONER FOR PATENTS,  
P.O. BOX 1450,  
ALEXANDRIA, VIRGINIA 22313-1450

**PETITION TO RECONSTRUCT THE OFFICIAL FILES FOR  
U.S. PATENT APPLICATIONS NOS. 09/590,692 AND 09/894,637**

The Director is respectfully requested to reconstruct the official files for U.S. Patent Applications Nos. 09/590,692 and 09/894,637 by, and through counsel for, GL Trade Americas, Inc. (f/k/a GL Consultants, Inc. ("GL")) because a number of written communications between the applicants and the Patent and Trademark Office ("USPTO") are missing from the Official Record.

1) U.S. Patent No. 6,772,132 (the "132 patent"), which matured from U.S. Patent Application No. 09/590,692, and U.S. Patent No. 6,766,304 (the "304 patent"), which matured from U.S. Patent Application No. 09/894,637 each lists Trading Technologies International, Inc. ("TT") as the assignee.

NYC01/7825628v2

2) TT has sued a number of companies, including GL, for infringement of the '132 and '304 patents in District Court for the Northern District of Illinois. The action against GL is captioned *Trading Technologies International, Inc. v. GL Consultants, Inc. et al.*, Civil Action No. 05C 4120. Other actions concerning the '132 and '304 patents that are pending in District Court for the Northern District of Illinois are captioned, *Trading Technologies International, Inc. v. FuturePath Trading LLC*, Civil Action No. 05C 5164; *Trading Technologies International, Inc. v. eSpeed, Inc. et al.*, Civil Action No. 04C 5312; *Trading Technologies International, Inc. v. CQGT, LLC et al.*, Civil Action No. 05C 4811; and *Rosenthal Collins Group, LLC v. Trading Technologies International, Inc.*, Civil Action No. 05C 4088.

3) The attached documents which were obtained from TT in discovery under Rule 34 Fed. R. Civ. P. are the subject of this Petition and are not part of either Official Record. True and accurate copies of these documents referencing U.S.S.N. 09/590,692 (the "'692 application") are attached hereto as Exhibit A (chronologically TT 0099454, TT 0099464, TT 0099450, TT 0099453, TT 0099449, TT 0099448, TT 0099467 - 68, TT 0099473 - 74, TT 0099472, TT 0099471, TT 0099490, TT 0099491, TT 0099447, TT 0099446, TT 0099493 - 94, TT 0099459 - 60, TT 0099458, TT 0099598 - 99, TT 0099480, TT 0099461 - 62, TT 0099481 - 89, TT 0099511 - 12, TT 0099507, TT 0099519 - 20, TT 0099549, TT 0099550, TT 0099514, TT 0099551 - 55, TT 0099513, TT 0099557 - 59, TT 0099562, and TT 0099591). True and accurate copies of these documents referencing U.S.S.N. 09/894,637 (the "'637 application") are attached hereto as Exhibit B (chronologically TT 0099502, TT 0099597, TT 0099534, TT 0099506, TT 0099497 - 98, TT 0099532 - 33, TT 0099503, TT 0099566 - 68, and TT

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0099505). True and accurate copies of these documents referencing the '692 and the '637 applications are attached hereto as Exhibit C (chronologically TT 0099615 - 16, TT 0099619 - 40, TT 0099641 - 42, TT 0099609 - 11, TT 0099604 - 08, TT 0099569 - 70, TT 0099588, TT 0099444, and TT 0099589 -90). True and accurate copies of these documents referencing unspecified applications are attached hereto as Exhibit D (chronologically TT 0099500, TT 0099522, TT 0099504, TT 0099618, TT 0099617, TT 0099548, TT 0099510, TT 0099560, TT 0099561, TT 0099565, TT 0099535, TT 0099564, TT 0099571 - 72, TT 0099583 - 84, TT 0099573 - 74, TT 0099576, TT 0099524 - 26, TT 0099580 - 82, TT 0099516, and TT 0099585).

4) All of these documents are correspondence between the Office and one or more of the applicants' representatives concerning either the '692 application or the '637 application and are not found in the Official Record of either of these applications.

5) All of this correspondence between the Office and the applicants' representative dates between May, 2002 and June, 2004, a time when both the '692 and the '637 applications were pending before the USPTO.

6) All of this correspondence is either to, or from, Examiner Richard Weisberger, the USPTO official charged with examining both the '692 and the '637 applications.

7) In this correspondence, the applicants' representatives are Steve Borsand (Reg. No. 36752), Ankur Shah (Reg. No. 41514), or both.

8) Neither the Transaction History of the '692 application nor the Transaction History of the '637 application, however, lists this correspondence between the Office and the applicants' representative. A true and accurate copy of the print out of

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the "Transaction History" of the '692 application obtained from  
[http://portal.uspto.gov/external/portal/lut/p/\\_s.7\\_0\\_A/7\\_0\\_CH/.cmd/ad/ar\(sa.getBib/c/6\\_0\\_69/ce/7\\_0\\_1ET/p/5\\_0\\_18L/d/3?selectedTab=fileHistorytab&isSubmitted=isSubmitted&dosnum=09590692](http://portal.uspto.gov/external/portal/lut/p/_s.7_0_A/7_0_CH/.cmd/ad/ar(sa.getBib/c/6_0_69/ce/7_0_1ET/p/5_0_18L/d/3?selectedTab=fileHistorytab&isSubmitted=isSubmitted&dosnum=09590692) on May 2, 2006 is attached hereto as Exhibit E. A true and accurate copy of the print out of the "Transaction History" of the '637 application obtained from  
[http://portal.uspto.gov/external/portal/lut/p/\\_s.7\\_0\\_A/7\\_0\\_CH/.cmd/ad/ar\(sa.getBib/c/6\\_0\\_69/ce/7\\_0\\_1ET/p/5\\_0\\_18L/d/0?selectedTab=fileHistorytab&isSubmitted=isSubmitted&dosnum=09894637#](http://portal.uspto.gov/external/portal/lut/p/_s.7_0_A/7_0_CH/.cmd/ad/ar(sa.getBib/c/6_0_69/ce/7_0_1ET/p/5_0_18L/d/0?selectedTab=fileHistorytab&isSubmitted=isSubmitted&dosnum=09894637#) on May 2, 2006 is attached hereto as Exhibit F.

9) Section 502.03 II of the Eight Edition of the Manual of Patent Examining Procedure, which was in effect during the time period relevant to the attached correspondence, directs that such correspondence with an Examiner concerning an application is to be printed and placed in the official file for each application. ("A paper copy of [ any email] correspondence will be placed in the appropriate patent application." Emphasis added.)

10) Correspondence, which is directly material to the Official Record – the file histories – of the '692 and the '637 applications, but missing from the Official Record, includes the following:

- a. A written communication dated March 19, 2002 from Examiner Weisberger proposing language for an amendment to the claims of the '692 application. See TT 0099519.
- b. A written communication dated May 14, 2002 concerning the '692 application from Examiner Weisberger to Mr. Shah stating "[f]or

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reasons I prefer not to discuss, an impediment to the allowance of this case will be overcome. . . ." See TT 0099467.

- c. A written communication dated September 26, 2002 from Mr. Shah to Examiner Weisberger concerning an amendment to the '637 application stating that the applicants representatives need to discuss the application "to clear up the last issues in these cases." (GL's counsel has been unable to find an Interview Summary corresponding to this Interview in the Official Record of the '637 application.) See TT 0099501.
- d. In a written communication dated September 26, 2002, Examiner Weisberger advised Mr. Shah and Mr. Borsand that the second set of eyes review of the applications would be a "perfunctory step". See TT 0099532.
- e. A written communication dated October 1, 2002 from Mr. Shah to Examiner Weisberger concerning "Interview Summaries and Reasons for Allowance" states, "I await to hear from you regarding the Interview Summaries and language for Reasons for Allowance. I think the deal you proposed during the Interviews was prompt Interview Summaries in exchange for our submissions of Amendments." (Emphasis added). See TT 0099500
- f. A written communication dated October 2, 2002 from Examiner Weisberger also concerning "Interview Summaries and Reasons for Allowance" stating, among things, "[a]s for the reasons for allowance,

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as discussed, the contents thereof are not of record until the case has been reviewed. Reasons for allowance are generally not subject to negotiation . . ." See TT 0099495-96.

- g. In a written communication to Examiner Weisberger dated March 20, 2003, the applicants' representative proposed several amendments to both the '692 and the '637 applications. See TT 0099531.
- h. A written communication dated March 21, 2003 from Examiner Weisberger acknowledging applicants' representative email of March 20, 2003 stating that the Examiner is "quite satisfied with the amendments." See TT 0099523.
- i. In a written communication dated May 27, 2003, applicants' representative forwarded to Examiner Weisberger several lists of references to be cited in each of several applications. See TT 0099551 - 55.

11) Petitioner notes that additional correspondence/papers appear to be missing. For instance, the above referenced of September 26, 2002 correspondence references Interview Summaries that not in the Official Record.

12) Petitioner not only respectfully requests that copies of the attached correspondence between the Office and the applicants' representative be made part of the Official Record of the '692 and the '637 application files, but that all correspondence including, the attached correspondence between the Office and applicants and/or their representatives, that is not part of the Official Record be made part of the Official Record when found.

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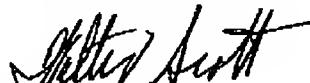
13) The attached collection of correspondence between the Office and the applicants' representatives may not be all of the emails that were exchanged between Examiner Weisberger and the applicants' representatives. An eFOIA request was filed with the Office on April 25, 2006 to locate any other communications. (Exhibit G is a true and accurate copy of GL's eFOIA request.)

14) As such, Petitioner respectfully requests that the Director, pursuant to his supervisory authority, reconstruct the official files for the '692 and the '637 applications by adding all missing correspondence, including the attached emails to the official files. See 37 C.F.R. § 1.251 ("Unlocatable File").

15) The correspondence between the Office and the applicants' representative(s) is part of the intrinsic evidence of every patent and is essential to the construction of a patent claim. See *Phillips v. AWH Corp.* 415 F3d 1303 (Fed. Cir. 2005).

16) The Director is hereby authorized to charge any fees associated with this communication, including any petition fee, to Deposit Account No. 16-0605.

Respectfully submitted,



Walter Scott  
Registration No. 30,588

Customer No. 00826  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel New York Office (212) 210-9518  
Fax Charlotte Office (704) 444-1111

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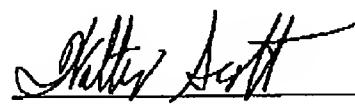
**U.S.S.N. 09/590,692 & 09/894,637**

**Certificate of Service**

It is certified that a copy of the Petition to Reconstruct the Official Files for U.S. Patent Applications Nos. 09/590,692 and 09/894,637 has been served in its entirety on the attorneys of record for the above-identified applications. The name and address of the party served and the date of service are:

**FOLEY & LARDNER  
WASHINGTON HARBOUR  
3000 K STREET, N.W. SUITE 500  
WASHINGTON DC 20007-5143**

Date of Mailing: May 2, 2006

  
Walter Scott

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-----Original Message-----

From: AShah@foleylaw.com {mailto:[AShah@foleylaw.com](mailto:AShah@foleylaw.com)}  
Sent: Monday, May 06, 2002 4:09 PM  
To: richard.weisberger@uspto.gov  
Subject: 09/590,692

Hello Richard:

I just left you a short voice-mail. You had indicated that we could talk today at 4:00pm about the subject case. I just wanted to find out how your meeting with Jack Harvey went and what may need to be done at this point to move the case forward.

Also, I wanted to ask you about the status of the divisional to the subject case in which we filed a petition to make special last August (09/894,637). It apparently just needs to be forwarded to Exr. Pinchus Laufer (703/306-4160) for the petition to be acted upon.

Please let me know about these things by e-mail or voice-mail. Thanks for your assistance.

-Ankur D. Shah  
Foley & Lardner  
(202) 945-6132  
[ashah@foleylaw.com](mailto:ashah@foleylaw.com)

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TT 0099454

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-----Original Message-----

**From:** Richard.Weisberger@USPTO.GOV [mailto:Richard.Weisberger@USPTO.GOV]  
**Sent:** Monday, May 06, 2002 5:12 PM  
**To:** AShab@foleylaw.com  
**Subject:** RE: 09/590,692

Ankur --

The meeting was rescheduled for Wednesday. I'll update you via email later that afternoon.

Richard -

TT 0099464

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—Original Message—

**From:** AShah@foleylaw.com (<mailto:AShah@foleylaw.com>)  
**Sent:** Thursday, May 09, 2002 9:30 AM  
**To:** Richard.Weisberger@USPTO.GOV  
**Subject:** RE: 09/590,692

Richard -

Any news? Please update me. Thanks.

-Ankur D. Shah

TT 0099450

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P.15/154

—Original Message—

From: Richard Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
Sent: Thursday, May 09, 2002 11:03 AM  
To: AShah@folcylaw.com  
Subject: RE: 09/590,692

i should have an update by the end of the day.

**TT 0099453**

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\_\_\_\_Original Message\_\_\_\_

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Thursday, May 09, 2002 5:40 PM  
**To:** AShah@folcylaw.com  
**Subject:** RE: 09/590,692

work in progress

**TT 0099449**

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—Original Message—

From: Shah, Ankur D.  
Sent: Thursday, May 09, 2002 6:09 PM  
To: Richard.Weisberger@USPTO.GOV  
Subject: RE: 09/590,692

Thanks. Can we find out how your meetings went? Is the case back on track for allowance? Can I help in any way?

-Ankur D. Shah

**TT 0099448**

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—Original Message—

From: Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
Sent: Tuesday, May 14, 2002 3:49 PM  
To: AShah@foleylaw.com  
Subject: RE: 09/590,692

Ankur :

For reasons I prefer not to discuss, an impediment to the allowance of this case will be overcome. I should be able to wrap it up by Tuesday May 21.

— Richard

**TT 0099467**

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-----Original Message-----

From: AShah@foleylaw.com [<mailto:AShah@foleylaw.com>]  
Sent: Tuesday, May 14, 2002 3:38 PM  
To: Richard.Weisberger@USPTO.GOV  
Subject: RE: 09/590,692

Richard:

Can we get any information on the progress of subject case or on the movement of the divisional to the petitions examiner (see below)? Thanks in advance.

-Arikur

TT 0099468

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P.20/154

—Original Message—  
From: Shah, Ankur D.  
Sent: Tuesday, May 21, 2002 3:16 PM  
To: Richard.Weisberger@USPTO.GOV  
Subject: RE: 09/590,692

TT 0099473

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Hello Richard:

Can you update me on the progress of the case? Thanks.

-Ankar D. Shah

TT 0099474

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—Original Message—  
From: AShah@foleylaw.com [mailto:[AShah@foleylaw.com](mailto:AShah@foleylaw.com)]  
Sent: Friday, May 31, 2002 2:31 PM  
To: Richard.Weisberger@USPTO.GOV  
Subject: RE: 09/590,692

Richard:

Per our discussion, the information for forwarding the divisional app. is at  
the bottom of this e-mail chain. I look forward to hearing from you on  
Monday or Tuesday of next week. Thanks.

—Ankur D. Shah

TT 0099472

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-----Original Message-----

From: Richard.Weisberger@USPTO.GOV [mailto:Richard.Weisberger@USPTO.GOV]  
Sent: Monday, June 24, 2002 4:08 PM  
To: AShab@foleylaw.com  
Subject: RE: 09/590,692

Ankur :

I'm out of the office today. I'll call you tomorrow afternoon (I should have favorable news). Can you forward the serial number and filing date for the specification incorporated by reference on page 8 of the instant specification.

Richard —

How are mother and child?

TT 0099471

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-----Original Message-----

From: AShah@foleylaw.com [mailto:AShah@foleylaw.com]  
Sent: Tuesday, June 25, 2002 10:08 AM  
To: Richard.Weisberger@USPTO.GOV  
Subject: RE: 09/590,692

Richard:

Mother and daughter are fine. I am a bit sleepy.

TT 0099490

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—Original Message—

From: Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
Sent: Tuesday, June 25, 2002 2:51 PM  
To: AShah@foleylaw.com  
Subject: RE: 09/590,692

I had an unscheduled meeting today with the Federal Reserve Bank. I may not be able to speak with you today. If not, I'll contact you tomorrow.

Richard —

PS Her mother's looks, I pray.

TT 0099491

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—Original Message—

**From:** AShah@foleylaw.com [<mailto:AShah@foleylaw.com>]  
**Sent:** Wednesday, June 26, 2002 3:19 PM  
**To:** Richard.Weisberger@USPTO.GOV  
**Subject:** RE: 09/590,692

**Richard:**

We were anxious to find out the latest developments and learn the good news today. I just left you a voice-mail to that effect. I look forward to hearing from you. Thanks.

-Ankur D. Shah

**TT 0099447**

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-----Original Message-----

From: Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
Sent: Wednesday, June 26, 2002 4:01 PM  
To: AShah@policylaw.com  
Subject: RE: 09/590,692

It turns that our meeting was scheduled for two days. I'll call you when  
upon its completion.

Richard --

**TT 0099446**

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—Original Message—

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Thursday, June 27, 2002 4:56 PM  
**To:** AShah@foleylaw.com  
**Subject:** RE: 09/590,692

Ankur -

**TT 0099493**

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No new prior art was found showing the combination of features of the MD software characterized in claims 22,29 and 35, and the Notice of Allowance will be mailed early next week. In addition, I've ordered SN 09/971087 and 09/894637. Let's see if we can quickly dispose of these cases. Lastly, I'm looking at 09/589,751 to see if the lack of the static pricing display presents issues under 112 1st or 2nd and/or 103.

Richard

**TT 0099494**

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-----Original Message-----

From: Shah, Ankur D.  
Sent: Thursday, June 27, 2002 5:20 PM  
To: 'Richard.Weisberger@USPTO.GOV'  
Subject: RE: 09/590,692

**Richard:**

Thank for you this positive information.

Regarding the subject case in which the Notice of Allowance will be issued  
early next week, you are no doubt aware of the sense of urgency associated

**TT 0099459**

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with it and of my client's strong interest in its prosecution. Accordingly, please send me a copy of the Notice of Allowance via facsimile as early as possible next week. My facsimile number is (202) 672-5399. We will then await receipt of the official notice by U.S. mail.

Also, regarding the other cases you mentioned below, I have those files in my office and am ready to work with you on rapidly advancing their prosecution.

Best regards,

-Ankur D. Shah  
Foley & Lardner  
(202) 945-6132  
[esahab@foleylaw.com](mailto:esahab@foleylaw.com)

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—Original Message—

From: Shah, Ankur D.  
Sent: Wednesday, July 03, 2002 2:53 PM  
To: 'Richard.Weisberger@USPTO.GOV'  
Subject: RE: 09/590,692

Richard:

I tried to contact you a few times yesterday and today, sometimes with my client on the line as well, regarding the Notice of Allowance that was to have been mailed early this week. I left you a voice-mail yesterday regarding the same.

Please let me know the situation. Based on your e-mail from last week, the president of the company was expecting that we would have be able to confirm that the case had been allowed before the 4th of July holiday.

Any information you can provide would be helpful.

Thank you.

-Ankur D. Shah  
(202) 945-6132

TT 0099458

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**From:** Shah, Ankur D. [ASbah@foleylaw.com]  
**Sent:** Wednesday, July 03, 2002 5:34 PM  
**To:** Steve Borsand (TT)  
**Subject:** NOA

**Attachments:** Untitled.pdf

Steve:

Here is a copy of the cover of the notice of allowability. It was just faxed to me by the Examiner.

-Ankur  
<<Untitled.pdf>>

**TT 0099598**

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US PATENT OFFICE

2001

<p><b>Notice of Allowability</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application No.</td> <td style="width: 50%;">Applicant(s)</td> </tr> <tr> <td>09/590,692</td> <td>KEMP ET AL</td> </tr> <tr> <td>Examiner</td> <td>Art Unit</td> </tr> <tr> <td>Richard C. Weisberger (1)</td> <td>2164</td> </tr> </table> <p>— The MAILING DATE of this communication appears on the cover sheet with the correspondence address— All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.</p> <p>1. <input checked="" type="checkbox"/> This communication is responsive to <u>amendment A</u>.</p> <p>2. <input checked="" type="checkbox"/> The allowed claim(s) is/are <u>22-70</u>.</p> <p>3. <input type="checkbox"/> The drawings filed on _____ are accepted by the Examiner.</p> <p>4. <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a) <input type="checkbox"/> All    b) <input type="checkbox"/> Some*    c) <input type="checkbox"/> None    of the:</p> <p style="margin-left: 20px;">1. <input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p style="margin-left: 20px;">3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* Certified copies not received: _____</p> <p>5. <input checked="" type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).</p> <p>(a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>6. <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p> <p>Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.</p> <p>7. <input type="checkbox"/> A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.</p> <p>8. <input checked="" type="checkbox"/> CORRECTED DRAWINGS must be submitted.</p> <p>(a) <input type="checkbox"/> Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached</p> <p style="margin-left: 20px;">1) <input type="checkbox"/> hereto or 2) <input type="checkbox"/> to Paper No. _____</p> <p style="margin-left: 20px;">(b) <input type="checkbox"/> including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.</p> <p style="margin-left: 20px;">(c) <input type="checkbox"/> including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.</p> <p>Identifying indicia such as the application number (see 37 CFR 1.24(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.</p> <p>9. <input type="checkbox"/> DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.</p> <p>Attachment(s)</p> <p>1<input type="checkbox"/> Notice of References Cited (PTO-892)      3<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)      5<input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>113</u>.      7<input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</p> <p>2<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)      4<input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.      6<input checked="" type="checkbox"/> Examiner's Amendment/Comment      8<input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance      9<input type="checkbox"/> Other</p>	Application No.	Applicant(s)	09/590,692	KEMP ET AL	Examiner	Art Unit	Richard C. Weisberger (1)	2164
Application No.	Applicant(s)								
09/590,692	KEMP ET AL								
Examiner	Art Unit								
Richard C. Weisberger (1)	2164								

U.S. Patent and Trademark Office  
PTO-37 (Rev. 04-01)

Notice of Allowability

Part of Paper No. 15

TT 0099599

**Best Available Copy**

JUL-24-2006 18:37 FROM:

TO:USPTO

P.35/154

—Original Message—

From: Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
Sent: Wednesday, July 03, 2002 5:50 PM  
To: ASher@foleylaw.com  
Subject: RE: 09/590,692

I think I mentioned to you that I'm studying for a Master's in Finance.  
Anyway, I tend to keep odd office hours. If you are still there, I can FAX  
you a copy of the Notice of Allowance.

Richard --

TTC 0099480

**Best Available Copy**

JUL-24-2006 18:38 FROM:

TO:USPTO

P. 40/154

-----Original Message-----

From: AShah@folcylaw.com [mailto:[AShah@folcylaw.com](mailto:AShah@folcylaw.com)]  
Sent: Thursday, July 18, 2002 4:21 PM  
To: Richard.Weisberger@USPTO.GOV  
Subject: RE: 09/590,692

Richard:

We just tried reaching you by telephone and your mailbox is still full. The PTO customer service representative said that the notice of allowance had not yet been mailed.

It has now been over two weeks since your fax and three weeks since you indicated that it would be mailed. Please let me know if there is any problem. I might be able to help.

The delays in this case have been significant and patent term extension won't be of much use in this technical field. Of utmost importance is that the patent be able to issue promptly so that we can help our client stop the present infringement of their technology.

Your response is urgently sought.

Thanks,

-Ankur D. Shah  
Foley & Lardner  
(202) 945-6132  
[ashah@folcylaw.com](mailto:ashah@folcylaw.com)

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

TT 0099483

**Best Available Copy**

JUL-24-2006 18:38 FROM:

TO:USPTO

P. 41/154

—Original Message—

From: Richard.Weisberger@USPTO.GOV [mailto:Richard.Weisberger@USPTO.GOV]  
Sent: Friday, July 19, 2002 3:21 PM  
To: ASbab@folcylaw.com  
Subject: RE: 09/590,692

I'll personally walk it through the mail room on monday?

Richard

TT 0099484

**Best Available Copy**

JUL-24-2006 18:38 FROM:

TO:USPTO

P. 42/154

—Original Message—

From: Shah, Ankur D.  
Sent: Friday, July 19, 2002 3:35 PM  
To: 'Richard.Weisberger@USPTO.GOV'  
Subject: RE: 09/590,692

Thank you. That would be appreciated. I will let my client know.

Best regards,

-Ankur D. Shah

**TT 0099485**

**Best Available Copy**

JUL-24-2006 18:38 FROM:

TO:USPTO

P.43/154

—Original Message—

From: AShah@foleylaw.com [mailto:[AShah@foleylaw.com](mailto:AShah@foleylaw.com)]  
Sent: Wednesday, July 24, 2002 2:24 PM  
To: Richard.Weisberger@USPTO.GOV  
Subject: RE: 09/590,692

Richard:

If you did indeed follow through on your e-mail below and had it mailed out on Monday, thank you. According to the USPTO computer, however, nothing was mailed out. This is causing much consternation at this end.

You indicated the case had been allowed and, on July 3rd, faxed us a copy of the notice of allowability. We were simply awaiting the official notice of allowability and notice of allowance and issue fee due papers. I don't have any explanation to provide my client as to why nothing has yet been received, since presumably your substantive work has been completed. If there is a problem, I am not quite sure what it might be.

Please respond. Thanks.

-Ankur D. Shah

TT 0099486

**Best Available Copy**

JUL-24-2006 18:38 FROM:

TO:USPTO

P.44/154

—Original Message—

From: Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
Sent: Wednesday, July 24, 2002 4:53 PM  
To: AShah@soleylaw.com  
Subject: RE: 09/590,692

I'm out of the office today. will check on the mail status tomorrow.

Rich

TT 0099487

**Best Available Copy**

JUL-24-2006 18:38 FROM:

TO:USPTO

P. 45/154

—Original Message—

From: AShah@folcylaw.com [mailto:[AShah@folcylaw.com](mailto:AShah@folcylaw.com)]  
Sent: Thursday, July 25, 2002 6:55 PM  
To: Richard.Weisberger@USPTO.GOV  
Subject: RE: 09/590,692

Richard:

I hope you were able to resolve the problem today. Please let me know.

If not, I would like to schedule a meeting with you for this coming Monday so that I can come there personally and we can address and resolve any remaining issues. While perhaps unorthodox, at this point, such a meeting and visit are warranted in view of the importance of the patent to my client, the ongoing infringement of their technology and the sheer number of delays to which the prosecution of this application has been subjected.

Your prompt response is appreciated.

Best regards,

Ankur D. Shah

TT 0099488

**Best Available Copy**

JUL-24-2006 18:39 FROM:

TO:USPTO

P. 46/154

—Original Message—

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Friday, July 26, 2002 2:12 PM  
**To:** AShah@foleylaw.com  
**Subject:** RE: 09/590,692

Ankur-

According to my docket clerk the case has been forwarded to the mail room.  
Check the palm system Monday.

Richard

TT 0099489

**Best Available Copy**

JUL-24-2006 18:39 FROM:

TO:USPTO

P. 47/154

**From:** Richard.Weisberger@USPTO.GOV  
**Sent:** Monday, March 03, 2003 10:48 AM  
**To:** Steve Borsand (TT)  
**Subject:** RE: 09/590,692 et al.

Steve -

My schedule is very tight both today and tomorrow. I'm available Wednesday afternoon, between 1:00-5:00. We can pick it up from there.

Richard -

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Monday, March 03, 2003 8:45 AM  
**To:** Richard.Weisberger@uspto.gov  
**Subject:** RE: 09/590,692 et al.

Richard - I would like to talk with you regarding these cases and the new references. Are you available to talk today or tomorrow? Also, I am going to be travelling to the east coast possibly next week and I would be happy to meet in person to try to reach closure on these cases (for that matter, I can come anytime that suits your schedule).

Thanks,

Steve

—Original Message—

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Tuesday, December 17, 2002 11:00 AM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: 09/590,692 et al.

I've been in sunny warm Miami this past week. I'll check the status of your cases this week.

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Tuesday, December 17, 2002 10:32 AM  
**To:** richard.weisberger@uspto.gov  
**Subject:** 09/590,692 et al.

Richard -- Have you had a chance to look at the new references that we cited? I would like to talk with you about these at your convenience.

Thanks,

Steve

TT 0099511

**Best Available Copy**

JUL-24-2006 18:39 FROM:

TO:USPTO

P. 48/154

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax: +1.312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

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**TT 0099512**

**Best Available Copy**

JUL-24-2006 18:39 FROM:

TO:USPTO

P.50/154

**From:** Richard.Weisberger@USPTO.GOV  
**Sent:** Wednesday, March 19, 2003 11:36 AM  
**To:** Steve Borsand (TT)  
**Subject:** RE: 09/590,692 et al.

Steve -

Please consider the following amendment in combination -

said dynamic display of bids and asks traversing said static price column in response to changes in the inside market,

said column static price axis responsive to a one click centering feature that re-centers the inside market of the trader's screen.

Richard -

-----Original Message-----

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Wednesday, March 19, 2003 12:06 PM  
To: Richard.Weisberger@uspto.gov  
Subject: RE: 09/590,692 et al.

I am faxing them right now.

-----Original Message-----

From: Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
Sent: Wednesday, March 19, 2003 10:32 AM  
To: Steve.Borsand@tradingtechnologies.com  
Subject: RE: 09/590,692 et al.

Steve,

The RCE requests for 09/590,692 and 09/894,637 have not been matched to their files. Can you fax a copy to me at 703 872 9025?

-----Original Message-----

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Tuesday, March 18, 2003 4:24 PM  
To: Richard.Weisberger@uspto.gov  
Subject: RE: 09/590,692 et al.

Richard - I was hoping we can pick a time tomorrow to talk. I can be available any time that is good for you.

TT 0099519

Thanks,

**Best Available Copy**

JUL-24-2006 18:40 FROM:

TO:USPTO

P.51/154

Steve

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Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax: +1.312.476.1182  
steve.borsand@tradingtechnologies.com

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TT 0099520

**Best Available Copy**

JUL-24-2006 18:39 FROM:

TO:USPTO

P. 49/154

**From:** Richard Weisberger@USPTO.GOV  
**Sent:** Tuesday, March 18, 2003 4:00 PM  
**To:** Steve Borsand (TT)  
**Subject:** RE: 09/590,692 et al.

Steve -

I'll call you between 4:00 and 4:15.

-----Original Message-----

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Tuesday, March 18, 2003 4:24 PM  
**To:** Richard.Weisberger@uspto.gov  
**Subject:** RE: 09/590,692 et al.

Richard - I was hoping we can pick a time tomorrow to talk. I can be available any time that is good for you.

Thanks,

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax: +1.312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

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TT 0099507

**Best Available Copy**

JUL-24-2006 18:40 FROM:

TO:USPTO

P.52/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Thursday, March 27, 2003 10:39 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** 09/590,692 et al.

Richard -- I was wondering if you met with quality on Wed. and if you have a better idea of how long the review will take?

Thanks, Steve

TT 0099549

**Best Available Copy**

JUL-24-2006 18:40 FROM:

TO:USPTO

P. 53/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Friday, April 25, 2003 9:14 AM  
**To:** richard.weisberger@uspto.gov  
**Subject:** 09/590,692 et al.

Richard – Did you find anything out yesterday re: the status of our cases in quality review?

Thanks, Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax +1.312.476.1162  
steve.borsand@tradingtechnologies.com

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TT 0099550

**Best Available Copy**

JUL-24-2006 18:40 FROM:

TO:USPTO

P.54/154

**From:** Richard.Weisberger@USPTO.GOV  
**Sent:** Friday, April 25, 2003 11:00 AM  
**To:** Steve Borsand (TT)  
**Subject:** RE: 09/590,692 et al.

Yes. The cases are scheduled to be reviewed within the three weeks. Again, I do foresee any issues, as I am co-editing with the reviewer an internal news letter on the patent board's business method decisions. We have a very strong working relationship.

Richard -

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Friday, April 25, 2003 10:14 AM  
**To:** richard.weisberger@uspto.gov  
**Subject:** 09/590,692 et al.

Richard -- Did you find anything out yesterday re: the status of our cases in quality review?

Thanks, Steve

---

Steven P. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
pb: +1.312.476.1018  
fax: +1.312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

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TT 0099514

**Best Available Copy**

JUL-24-2006 18:40 FROM:

TO:USPTO

P .55/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Tuesday, May 27, 2003 4:42 PM  
**To:** Richard.Weisberger@uspto.gov  
**Subject:** 09/590,692 et al.

**Attachments:** references.doc

Examiner Weisberger -- Attached is a list of the references that we would prefer to be made of record in the various cases. Each page of the attached corresponds to a different case. Every reference listed on the attached was either cited by you or initiated as being considered by you in at least one of the four pending cases. Also, the most relevant references are already officially of record in each of the four cases and we are doing this clean-up out of an abundance of caution. Call me if you have any questions. Please tell us if you want us to prepare PTO 892 forms with all of the references listed. Also, if there is a need for copies of any references, let me know and I can have those made.

In addition, there is one other reference (US 2002/0138401 A1) that I believe should already be of record in each of the cases. This was a reference that was discussed at the interviews of March 13, 2003, but this reference has yet to be listed on a PTO form that we have seen. In the spirit of completeness, I wanted to make sure I list that here as well (it is not listed in the attached).

Thanks for considering this,

Steve

<<references.doc>>

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Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
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fax: +1.312.476.1182  
steve.borsand@tradingtechnologies.com

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TT 0099551

**Best Available Copy**

JUL-24-2006 18:40 FROM:

TO:USPTO

P. 56/154

**09/590,692:**

4,903,201 (cited in 09/589,751)  
5,101,353 (cited in 09/589,751)  
5,946,667 (cited in 09/589,751)  
6,035,287 (cited in 09/589,751)  
WO 95/26005 (cited in 09/589,751)  
WO 99/30259 (cited in 09/894,637)

TT 0099552

**Best Available Copy**

JUL-24-2006 18:40 FROM:

TO:USPTO

P.57/154

**09/894,637:**

4,903,201 (cited in 09/589,751)  
5,101,353 (cited in 09/589,751)  
5,946,667 (cited in 09/589,751)  
6,035,287 (cited in 09/589,751)  
WO 95/26005 (cited in 09/589,751)

**TT 0099553**

**Best Available Copy**

JUL-24-2006 18:40 FROM:

TO:USPTO

P.58/154

**09/971,087:**

5,689,651 (cited in 09/590,692 and 09/894,637)  
5,774,877 (cited in 09/590,692 and 09/894,637)  
5,793,301 (cited in 09/590,692 and 09/894,637)  
5,797,002 (cited in 09/590,692 and 09/894,637)  
5,845,266 (cited in 09/590,692 and 09/894,637)  
5,915,245 (cited in 09/590,692 and 09/894,637)  
5,963,923 (cited in 09/590,692 and 09/894,637)  
6,012,046 (cited in 09/590,692 and 09/894,637)  
6,014,643 (cited in 09/590,692 and 09/894,637)  
6,098,051 (cited in 09/590,692 and 09/894,637)  
6,195,647 (cited in 09/590,692 and 09/894,637)  
6,272,474 (cited in 09/590,692 and 09/894,637)  
6,278,982 (cited in 09/590,692 and 09/894,637)  
4,903,201 (cited in 09/589,751)  
5,101,353 (cited in 09/589,751)  
5,946,667 (cited in 09/589,751)  
6,035,287 (cited in 09/589,751)  
WO 95/26005 (cited in 09/589,751)  
4,674,044 (cited in 09/590,692 and 09/894,637)  
4,750,135 (cited in 09/590,692 and 09/894,637)  
5,270,922 (cited in 09/590,692 and 09/894,637)  
5,924,083 (cited in 09/590,692 and 09/894,637)  
WO 99/30259 (cited in 09/894,637)  
[www.tradingtechnologies.com/products/xtrade\\_full.html](http://www.tradingtechnologies.com/products/xtrade_full.html) (viewed 5/22/2001)  
(cited in 09/590,692 and 09/894,637)  
Kharouf, a trading room with a view, Futures 27, 11-11/1998  
(cited in 09/590,692 and 09/894,637)

TT 0099554

JUL-24-2006 18:41 FROM:

TO:USPTO

P.59/154

09/589,751:

5,038,284 (cited in all other cases)  
5,077,665 (cited in all other cases)  
5,136,501 (cited in all other cases)  
5,297,031 (cited in all other cases)  
5,297,032 (cited in all other cases)  
5,689,651 (cited in all other cases)  
5,774,877 (cited in all other cases)  
5,793,301 (cited in all other cases)  
5,797,002 (cited in all other cases)  
5,915,245 (cited in 09/590,692 and 09/894,637)  
5,924,082 (cited in all other cases)  
5,963,923 (cited in 09/590,692 and 09/894,637)  
6,014,643 (cited in 09/590,692 and 09/894,637)  
6,098,051 (cited in 09/590,692 and 09/894,637)  
6,131,087 (cited in all other cases)  
6,134,535 (cited in all other cases)  
6,195,647 (cited in 09/590,692 and 09/894,637)  
6,272,474 (cited in 09/590,692 and 09/894,637)  
6,278,982 (cited in 09/590,692 and 09/894,637)  
6,282,521 (cited in all other cases)  
2002/0055899 (cited in all other cases)  
4,674,044 (cited in 09/590,692 and 09/894,637)  
4,750,135 (cited in 09/590,692 and 09/894,637)  
5,270,922 (cited in 09/590,692 and 09/894,637)  
5,924,083 (cited in 09/590,692 and 09/894,637)  
WO 00/65510 (cited in all other cases)  
WO 01/16830 (cited in all other cases)  
WO 01/22315 (cited in all other cases)  
WO 01/88808 (cited in all other cases)  
WO 99/30259 (cited in 09/894,637)  
[www.tradingtechnologies.com/products/xtrade\\_full.html](http://www.tradingtechnologies.com/products/xtrade_full.html) (viewed 5/22/2001)  
(cited in 09/590,692 and 09/894,637)  
Kharouf, a trading room with a view, Futures 27, 11-11/1998  
(cited in 09/590,692 and 09/894,637)

TT 0099555

**Best Available Copy**

JUL-24-2006 18:41 FROM:

TO:USPTO

P.60/154

**From:** Richard.Weisberger@USPTO.GOV  
**Sent:** Monday, August 25, 2003 3:39 PM  
**To:** Steve Borsand (TT)  
**Subject:** RE: 09/590,692 et al.

Steve -

I'll give you a ring tomorrow.

Richard

-----Original Message-----

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Monday, August 25, 2003 2:12 PM  
To: Richard.Weisberger@uspto.gov  
Subject: 09/590,692 et al.

Rich - Could you please give me a call? I would just like to get a status on what is going on in the quality review of the various cases. I will try to reach you by phone as well.

Thanks,

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax: +1.312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

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**TT 0099513**

**Best Available Copy**

JUL-24-2006 18:41 FROM:

TO:USPTO

P. 61/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Friday, October 03, 2003 1:27 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** 09/590,692 et al.

Rich - I left you a voicemail as well. Could you please give me a call to tell me at least a quick status? Last time we talked, we agreed to talk on 10/3.

Thanks,

Steve

---

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fax +1.312.476.1182  
steve.borsand@tradingtechnologies.com

---

TT 0099558

**Best Available Copy**

JUL-24-2006 18:41 FROM:

TO:USPTO

P.62/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Tuesday, October 07, 2003 9:30 AM  
**To:** richard.weisberger@uspto.gov  
**Subject:** 09/690,052 et al.

Rich - I am hoping we can talk today about status. Several weeks ago we agreed to talk on 10/3.

Thanks,

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
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fax +1.312.476.1182  
steve.borsand@tradingtechnologies.com

---

**TT 0099559**

**Best Available Copy**

JUL-24-2006 18:41 FROM:

TO:USPTO

P. 63/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Tuesday, October 21, 2003 2:34 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** 09/590,692 et al.

Rich — I left you a voicemail as well. I believe all of the documents have been filed. Please confirm that you have everything you need to mail the notice of allowance. Also, will you be sending that shortly?

Thanks,

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
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fax +1.312.476.1182  
steve.borsand@tradingtechnologies.com

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**TT 0099562**

**Best Available Copy**

JUL-24-2006 18:42 FROM:

TO:USPTO

P.64/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Tuesday, March 16, 2004 11:32 AM  
**To:** richard.weisberger@uspto.gov  
**Subject:** 10/237,131

Richard – I wanted to give you a heads up that on 3/12/04, we filed amended claims as we had discussed in this continuation directed to the feature of repositioning/recentering. You had actually suggested that we propose independent claims with this limitation in the past. This is the file that I think was originally assigned to a different examiner even though it is a straight continuation from the 09/590,692 case. In the next week or so I will be checking to make sure that the IDSs in this case are up to date and if they are not we will file an additional IDS.

Thanks,

Steve

---

Steven F. Borsand  
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steve.borsand@tradingtechnologies.com

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**TT 0099591**

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TO:USPTO

P.65/154

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**Best Available Copy**

JUL-24-2006 18:42 FROM:

TO:USPTO

P.66/154

**From:** Shah, Ankur D. [A.Shah@foleylaw.com]  
**Sent:** Wednesday, September 11, 2002 4:50 PM  
**To:** Richard.Weisberger@USPTO.GOV  
**Cc:** Steve Borsand (TT)  
**Subject:** Scheduling Interviews (09/589,751;09/894,637;09/971,087)

Richard:

You have my condolences on this anniversary of the tragedy.

We tried calling you a few times today without much luck.

So that my client can make the necessary travel arrangements, I propose we schedule the interviews for Wednesday, September 18th in the afternoon. This will allow us enough time to discuss the issues and make any changes necessary to place the cases in condition for allowance before the end of the month.

Please let me know by e-mail or voice-mail if this is agreeable to you. We can still discuss the cases by telephone this week to remove some issues in advance if you like.

Thanks,

-Ankur D. Shah  
Foley & Lardner  
(202) 945-6132  
ashah@foleylaw.com

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TT 0099502

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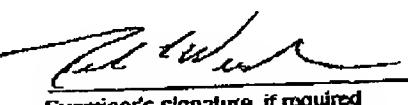
TO:USPTO

P.67/154

10/02/02 WED 12:25 FAX 703 308 3687

US PATENT OFFICE

Q003

<b>Interview Summary</b>		Application No. 09/804,637	Applicant(s) KEMP ET AL
		Examiner Richard C. Weisberger	Art Unit 3824
All participants (applicant, applicant's representative, PTO personnel): (1) <u>Richard C. Weisberger</u> , (3) <u>Steve Bonsand</u> . (2) <u>Ankur Shaw</u> , (4) _____.			
Date of Interview: <u>18 September 2002</u> .			
Type: a) <input type="checkbox"/> Telephonic b) <input type="checkbox"/> Video Conference c) <input checked="" type="checkbox"/> Personal [copy given to: 1) <input type="checkbox"/> applicant 2) <input type="checkbox"/> applicant's representative]			
Exhibit shown or demonstration conducted: d) <input checked="" type="checkbox"/> Yes e) <input type="checkbox"/> No. If Yes, brief description: <u>Trading Technologies Software</u> .			
Claim(s) discussed: <u>1-21</u> .			
Identification of prior art discussed: _____.			
Agreement with respect to the claims: f) <input checked="" type="checkbox"/> was reached. g) <input type="checkbox"/> was not reached. h) <input type="checkbox"/> N/A.			
Substance of interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: <u>The subject matter of the interview was directed to a preferred embodiment of the invention. Claim language was proposed by the examiner to capture this embodiment. Agreement was reached that the applicant would file an amendment canceling claims 1-21 (without prejudice) and adding claims comprising the agreed upon language.</u>			
(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)			
i) <input checked="" type="checkbox"/> It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).			
Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.			
Examiner Note: You must sign this form unless it is an attachment to a signed Office action.		 Examiner's signature, if required	

U.S. Patent and Trademark Office  
FY04-413 (Rev. 03-98)

Interview Summary

Paper No. 8.

TT 0099597

**Best Available Copy**

JUL-24-2006 18:42 FROM:

TO:USPTO

P. 68/154

**From:** Richard.Weisberger@USPTO.GOV  
**Sent:** Monday, September 23, 2002 2:05 PM  
**To:** Steve Borsand (TT)  
**Subject:** RE: 09/894,637 and 09/971,087

Hi Steve

Did you consider claim amendments for 09/589751?

Richard -

—Original Message—

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Monday, September 23, 2002 2:47 PM  
To: richard.weisberger@uspto.gov  
Subject: 09/894,637 and 09/971,087

Examiner Weisberger:

I left you a voicemail on this as well today. I thought I would also drop you an email (I think Ankur told me that you prefer communicating thru email when possible). I just wanted to see when we can talk about the proposed new claims that were faxed to you last week. Hopefully we can talk asap to bring those two cases to closure. Once we reach agreement on the claims, we can immediately turn around an amendment to you.

Please call me at 312-476-1018 to discuss. Ankur is out of the office most of this week so I will be the contact on this.

Thanks,

Steve

---

Steven F. Borsand  
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[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

---

TT 0099534

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JUL-24-2006 18:43 FROM:

TO:USPTO

P.69/154

**From:** Richard.Weisberger@USPTO.GOV  
**Sent:** Tuesday, September 24, 2002 4:15 PM  
**To:** Steve Borsand (TT)  
**Subject:** RE: 09/894,637 et al.

Steve --

I have your FAX. I'll try to get to you this afternoon. If not, I'll call you in the morning.

Richard --

-----Original Message-----

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Tuesday, September 24, 2002 12:22 PM  
To: richard.weisberger@uspto.gov  
Subject: 09/894,637 et al.

Richard -- I sent you a fax this morning with proposed changes to the claims for 09/894,637. Can we talk today by phone re: all three cases?

Thanks,

Steve

---

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Vice President, Intellectual Property  
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fax: +1.312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

---

TT 0099506

**Best Available Copy**

JUL-24-2006 18:43 FROM:

TO:USPTO

P. 70/154

—Original Message—

From: Shah, Ankur D.  
Sent: Thursday, September 26, 2002 4:09 PM  
To: 'Richard Weisberger@USPTO.GOV'  
Cc: Steven F. Borsand (E-mail)  
Subject: Amendments (09/894,637; 09/589,751; 09/971,087)

Richard -

We have the amendments in the three cases ready to fax to you. Please give me call and we will fax it to you immediately.

Thanks.

-Ankur D. Shah  
Foley & Lardner  
(202) 945-6132  
ashah@foleylaw.com

TT 0099497

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P. 71/154

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TT 0099498

**Best Available Copy**

JUL-24-2006 18:43 FROM:

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P. 72/154

**From:** Richard.Weisberger@USPTO.GOV  
**Sent:** Thursday, September 26, 2002 5:04 PM  
**To:** AShah@foleylaw.com  
**Cc:** Steve Borsand (TT)  
**Subject:** RE: Amendments (09/894,637; 09/589,751; 09/971,087)

Have the amendments hand delivered to the 7th floor receptionist at Crystal Park 5. If you are still around, you can Fax the draft to 703 308 3637. I'll call you in the late morning (11:00 or so) to discuss any remaining issues, which should be few to none.

PS I can FAX you a copy of the interview summary record, but the notice of allowance will have to wait until the case is reviewed by our second set of eyes (This should be a perfunctory step in view of the parent application).

Richard --

—Original Message—

**From:** AShah@foleylaw.com (<mailto:AShah@foleylaw.com>)  
**Sent:** Thursday, September 26, 2002 5:22 PM  
**To:** Richard.Weisberger@USPTO.GOV  
**Cc:** steve.borsand@tradingtechnologies.com  
**Subject:** RE: Amendments (09/894,637; 09/589,751; 09/971,087)

Richard:

The amendments were faxed to your attention to the TC 3600 main fax no. with a cover entitled "Courtesy Copy". The hard copies are being hand-delivered to you tomorrow morning.

Steve Borsand and I need to discuss these with you to ensure that everything is in order and to clear up the last issues in these cases. Please give me a call in the morning and I will connect Steve. I will also try calling you in the morning.

Best regards,

Ankur D. Shah  
Foley & Lardner  
(202) 945-6132  
ashah@foleylaw.com

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—Original Message—

**From:** Shah, Ankur D.  
**Sent:** Thursday, September 26, 2002 4:09 PM  
**To:** Richard.Weisberger@USPTO.GOV  
**Cc:** Steven F. Borsand (E-mail)  
**Subject:** Amendments (09/894,637; 09/589,751; 09/971,087)

TT 0099532

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JUL-24-2006 18:43 FROM:

TO:USPTO

P.73/154

Richard -

We have the amendments in the three cases ready to fax to you. Please give me call and we will fax it to you immediately.

Thanks.

-Ankur D. Shah  
Foley & Lardner  
(202) 945-6132  
ashah@foleylaw.com

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

TT 0099533

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JUL-24-2006 18:43 FROM:

TO:USPTO

P. 74/154

**From:** Shah, Ankur D. [AShah@foleylrw.com]  
**Sent:** Friday, September 27, 2002 2:44 PM  
**To:** Richard.Weisberger@USPTO.GOV  
**Cc:** Steve Borsand (TT)  
**Subject:** RE: Amendments (09/894,637; 09/589,751; 09/971,087)

Richard:

I assume you have now received and reviewed the amendments filed yesterday and hand-carried today.

We need to talk to you today to ensure that everything is in order and to address any final issues, such as:

- 1) The language of the interview summary and Reasons for Allowance remarks in the Notice of Allowability
- 2) The manner in which you will be dealing with the effective reopening of prosecution in the 09/589,751 case after the Ex parte Quayle action, the corresponding withdrawal of the double patenting rejection and the revocation of the now unnecessary terminal disclaimer in that case.

I have tried calling you but got voice-mail.

Please give me a call soon. Thanks.

-Ankur

TT 0099503

**Best Available Copy**

JUL-24-2006 18:44 FROM:

TO:USPTO

P. 75/154

A.

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Friday, March 21, 2003 11:50 AM  
**To:** richard.weisberger@uspto.gov  
**Subject:** FW: proposed amendments

**Attachments:** newwording.doc

woops, I forgot to attach the document. Here it is:

—Original Message—

**From:** Steve Borsand (TT)  
**Sent:** Friday, March 21, 2003 11:49 AM  
**To:** 'Richard.Weisberger@USPTO.GOV'  
**Subject:** RE: proposed amendments

Richard – Attached is the language that we will use to replace the selecting limitation in what was numbered claims 41 and 76 of the '637 case. I know you said you didn't need to see it, but I just wanted to get this to you while we are preparing the amendment papers.

Thanks,

steve

—Original Message—

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Friday, March 21, 2003 10:25 AM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: proposed amendments

Steve –

I'm quite satisfied with the amendments. The claims reflect with great precision the various functions of TT products. This process although somewhat arduous yielded a clear and definitive set of property boundaries, without limiting the scope of the claimed inventions unnecessarily. Follow up with the amendments and email your any notes that you have prepared directed to reasons for allowance.

Richard –

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Thursday, March 20, 2003 3:58 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** proposed amendments

TT 0099566

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JUL-24-2006 18:44 FROM:

TO:USPTO

P. 76/154

Richard - Here are the proposed amendments in the 3 cases. The first file goes with the 590,692 case, the second is the 894,637 and the third is 589,751. The documents have redlined turned on to show the differences with the previous claims and which dependent claims are new. In the '751, the document contains just each independent claim and the changes thereto.

I will call you shortly.

Steve

<<692claimsamended.doc>> <<637claimsamend.doc>> <<751amend.doc>>

---

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---

**TT 0099567**

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JUL-24-2006 18:44 FROM:

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P. 77/154

in response to a selection of a particular location of the order entry region by a single action of a user input device, setting a plurality of parameters for a trade order relating to the commodity and sending the trade order to the electronic exchange.

**TT 0099568**

**Best Available Copy**

JUL-24-2006 18:44 FROM:

TO:USPTO

P. 78/154

**From:** Richard.Weisberger@USPTO.GOV  
**Sent:** Wednesday, February 04, 2004 10:49 AM  
**To:** Steve Borsand (TT)  
**Subject:** RE: 09/894,637

I'll check that as well.

-----Original Message-----

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Wednesday, February 04, 2004 11:48 AM  
To: Weisberger, Richard  
Subject: 09/894,637

Richard -- one more thing, the public pair system does not show a terminal disclaimer being entered or any of the recently filed IDSs.

Thanks,

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax: +1.312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

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**TT 0099505**

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P.79/154

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JUL-24-2006 18:44 FROM:

TO:USPTO

P.80/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Friday, March 21, 2003 4:51 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** notes

**Attachments:** reasons.doc

Richard – here is my stab at the notes we discussed. I will fax you an additional copy of the amendments on Sunday. As I mentioned, if you have any questions feel free to call me at 847-477-9818.

Thanks,

Steve

<<reasons.doc>>

**TT 0099609**

**Best Available Copy**

JUL-24-2006 18:44 FROM:

TO:USPTO

P.81/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Wednesday, March 19, 2003 2:04 PM  
**To:** Richard.Weisberger@USPTO.GOV  
**Subject:** RE: 09/590,692 et al.

ok

-----Original Message-----

**From:** Richard.Weisberger@USPTO.GOV [mailto:Richard.Weisberger@USPTO.GOV]  
**Sent:** Wednesday, March 19, 2003 1:54 PM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: 09/590,692 et al.

Steve -

I'll need to back up our interview to 5:00.

Richard -

-----Original Message-----

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:Steve.Borsand@tradingtechnologies.com]  
**Sent:** Wednesday, March 19, 2003 12:06 PM  
**To:** Richard.Weisberger@uspto.gov  
**Subject:** RE: 09/590,692 et al.

I am faxing them right now.

-----Original Message-----

**From:** Richard.Weisberger@USPTO.GOV [mailto:Richard.Weisberger@USPTO.GOV]  
**Sent:** Wednesday, March 19, 2003 10:32 AM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: 09/590,692 et al.

Steve,

The RCE requests for 09/590,692 and 09/894,637 have not been matched to their files. Can you fax a copy to me at 703 872 9025?

-----Original Message-----

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:Steve.Borsand@tradingtechnologies.com]  
**Sent:** Tuesday, March 18, 2003 4:24 PM  
**To:** Richard.Weisberger@uspto.gov  
**Subject:** RE: 09/590,692 et al.

TT 0099615

**Best Available Copy**

JUL-24-2006 18:44 FROM:

TO:USPTO

P.82/154

Richard - I was hoping we can pick a time tomorrow to talk. I can be available any time that is good for you.

Thanks,

Steve

---

Steven F. Borsand  
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fax: +1.312.476.1182  
steve.borsand@tradingtechnologies.com

---

**TT 0099616**

**Best Available Copy**

JUL-24-2006 18:44 FROM:

TO:USPTO

P. 83/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Thursday, March 20, 2003 2:58 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** proposed amendments

**Attachments:** 692claimsamended.doc; 637claimsamend.doc; 751amend.doc

Richard - Here are the proposed amendments in the 3 cases. The first file goes with the 590,692 case, the second is the 894,637 and the third is 589,751. The documents have redlined turned on to show the differences with the previous claims and which dependent claims are new. In the '751, the document contains just each independent claim and the changes thereto.

I will call you shortly.

Steve

<<692claimsamended.doc>> <<637claimsamend.doc>> <<751amend.doc>>

---

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fax: +1.312.476.1182  
steve.borsand@tradingtechnologies.com

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**TT 0099619**

09/590,692 PROPOSED AMENDMENT (3/20/03)

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22. A method of placing a trade order for a commodity on an electronic exchange having an inside market with a highest bid price and a lowest ask price, using a graphical user interface and a user input device, said method comprising:

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setting a preset parameter for the trade order;

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displaying market depth of the commodity through a dynamic display of a plurality of bids and a plurality of asks in the market for the commodity, including at least a portion of the bid and ask quantities of the commodity, the dynamic display being aligned with a static display of prices corresponding thereto, wherein the static display of prices does not move in response to a change in the inside market;

displaying an order entry region aligned with the static display of prices comprising a plurality of areas for receiving commands from the user input device to send trade orders, each area corresponding to a price of the static display of prices; and

selecting a particular area in the order entry region through a single action of the user input device with a pointer of the user input device positioned over the particular area to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.

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Deleted: initiating placement of a  
Deleted: trade order of the commodity  
Deleted: an  
Deleted: to said dynamic displays of bids and asks  
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Deleted: wherein the contents of the trade order are based to part upon the preset parameters and the position of the pointer at the time of said single action.

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23. A method of placing a trade order according to claim 22, wherein said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and wherein said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.

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24. The method of claim 23 wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.

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TO:USPTO

P. 85/154

25. A method of placing a trade order according to claim 23, wherein the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.

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26. A method of placing a trade order according to claim 23, wherein the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.

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27. A method of placing a trade order according to claim 23, wherein the trade order is for a quantity equal to a pre-determined fixed offset plus the sum of all quantities in the market at prices better than or equal to a price corresponding to the position of the pointer at the time of said single action and for a price corresponding to said position.

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28. A method of placing a trade order according to claim 27, wherein said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second pre-determined value if a single action of a second type is taken.

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29. A method of placing a trade order according to claim 22, further comprising canceling said trade order in response to a subsequent single action of the user input device.

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30. A computer readable medium having program code recorded thereon, for execution on a computer having a graphical user interface and a user input device, to place a trade order for a commodity on an electronic exchange having an inside market with a highest bid price and a lowest ask price, comprising:

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a first program code for setting a preset parameter for the trade order;  
a second program code displaying market depth of a commodity, through a dynamic display of a plurality of bids and a plurality of asks in the market for the commodity, including the bid and ask quantities of the commodity, aligned with a static

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display of prices corresponding thereto, wherein the static display of prices does not move in response to a change in the inside market;

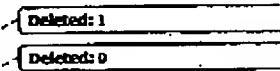
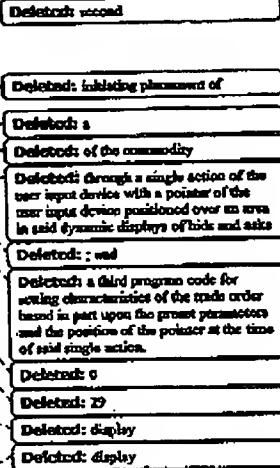
a third program code for displaying an order entry region comprising a plurality of areas for receiving commands from the user input device to send trade orders, aligned with the static display of prices, each are corresponding to a price of the static display of prices; and

a fourth program code for receiving a command as a result of a selection of a particular area in the order entry region by a single action of the user input device with a pointer of the user input device positioned over the particular area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.

31. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 30, further comprising program code for establishing that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.

32. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 31, wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.

33. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 31, further comprising program code for establishing that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.



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34. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 31, further comprising program code for establishing that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.

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35. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 31, further comprising program code for establishing that the trade order is for a quantity equal to a pre-determined fixed offset plus the sum of all quantities in the market at prices better than or equal to a price corresponding to the position of the pointer at the time of said single action and for a price corresponding to said position.

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36. A computer readable medium having program code recorded thereon, for execution on a computer to place a trade order according to claim 35, further comprising program code for establishing that said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second pre-determined value if a single action of a second type is taken.

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37. A client system for placing a trade order for a commodity on an electronic exchange having an inside market with a highest bid price and a lowest ask price, the system comprising:

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a parameter setting component for setting a preset parameter for the trade order;  
a display device for displaying market depth of a commodity, through a dynamic display of a plurality of bids and a plurality of asks in the market for the commodity, including the bid and ask quantities of the commodity, aligned with a static display of prices corresponding thereto, wherein the static display of prices does not move when the inside market changes, and for displaying an order entry region aligned with the static display of prices, comprising a plurality of areas for receiving commands to send trade orders, each area corresponding to a price of the static display of prices;

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a user input device for positioning a pointer thereof over an area in the order entry region; and

a trade order sending component for receiving a command as a result of a selection of the area in the order entry region by a single action of the user input device with a pointer of the user input device positioned over the area, to set a plurality of additional parameters for the trade order and send the trade order to the electronic exchange.

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38. A client system for placing a trade order for a commodity according to claim 37, wherein said trade order sending component establishes that said trade order is a buy order if the position of the pointer at the time of said single action is within a bid order entry region and that said trade order is a sell order if the position of the pointer at the time of said single action is within an ask order entry region.

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39. A client system for placing a trade order for a commodity according to claim 38, wherein the bid order entry region overlaps with a bid display region and the ask order entry region overlaps with an ask display region.

40. A client system for placing a trade order for a commodity according to claim 38, wherein said trade order sending component establishes that the trade order is for a pre-determined fixed quantity and for a price corresponding to the position of the pointer at the time of said single action.

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41. A client system for placing a trade order for a commodity according to claim 38, wherein said trade order sending component establishes that the trade order is for a quantity equal to a current net position of the user in the commodity and for a price corresponding to the position of the pointer at the time of said single action.

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42. A client system for placing a trade order for a commodity according to claim 38, wherein said trade order sending component establishes that the trade order is

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for a quantity equal to a pre-determined fixed offset plus the sum of all quantities in the market at prices better than or equal to a price corresponding to the position of the pointer at the time of said single action and for a price corresponding to said position.

43. A client system for placing a trade order for a commodity according to claim 42, wherein said trade order sending component establishes that said offset is equal to a first pre-determined value if a single action of a first type is taken and said offset is equal to a second pre-determined value if a single action of a second type is taken.

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44. A method according to claim 22, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in a vertical orientation.

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45. A method according to claim 22, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in a horizontal orientation.

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46. A method according to claim 22, wherein a plurality of said displayed bids and asks in the market include bid and ask quantities of the commodity.

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47. A method according to claim 22, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said bids and asks in different colors.

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48. A method according to claim 22, further comprising re-centering said prices corresponding to the bids and asks about an inside market price upon receipt of a re-centering instruction.

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49. A method according to claim 22, further comprising dynamically displaying working orders in alignment with the prices corresponding thereto.

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50. A method of displaying according to claim 22, further comprising dynamically displaying entered orders in alignment with the prices corresponding thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices. [Deleted: 47]

51. A method according to claim 22, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices in at least one direction in numerical order. [Deleted: 48]

52. A method according to claim 22, wherein said displaying the market depth of a commodity traded in a market further comprises displaying said statically displayed prices along a single line in numerical order. [Deleted: 49]

53. A method of displaying according to claim 22, wherein said displaying the market depth of a commodity traded in a market further comprises dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto. [Deleted: 50]

54. A computer readable medium according to claim 30, further comprising program code to ensure that said displayed bids, asks and prices are oriented vertically. [Deleted: 1]  
[Deleted: 29]

55. A computer readable medium according to claim 30, further comprising program code to ensure that said displayed bids, asks and prices are oriented horizontally. [Deleted: 2]  
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56. A computer readable medium according to claim 30, further comprising program code to ensure that a plurality of bids and asks in the market include bid and ask quantities of the commodity. [Deleted: 3]  
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57. A computer readable medium according to claim 30, further comprising program code to ensure that bids and asks are displayed in different colors. [Deleted: 4]  
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66. A client system according to claim 37, wherein said displays of the pluralities of bids and asks in the market include bid and ask quantities of the commodity.

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67. A client system according to claim 37, wherein said displays are displayed in different colors.

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68. A client system according to claim 37, wherein said display of prices corresponding to the bids and asks is re-centered about an inside market price upon re-centering instruction from a user.

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69. A client system according to claim 37, further comprising a display of working orders displayed in alignment with the prices corresponding thereto.

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70. A client system according to claim 37, wherein said display device displays entered orders in alignment with the prices corresponding thereto and wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices.

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71. A client system according to claim 37, wherein said static display of prices is displayed in at least one direction in numerical order.

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72. A client system according to claim 37, wherein said static display of prices is displayed along a single line in numerical order.

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73. A client system according to claim 37, wherein said display device displays a last traded quantity for said commodity in alignment with the price corresponding thereto.

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74. The method of claim 22 wherein the market depth is based on an exchange order book and wherein the static display of prices does not move in response to the addition of a price to the exchange order book, the additional price comprising a displayed price.

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75. The method of claim 74 wherein the static display of prices does not move in response to the removal of a price from the exchange order book, the removed price comprising a displayed price.

76. The method of claim 22 wherein the market depth is based on an exchange order book and the static display of prices never moves in response to a price change in the exchange order book relating to a price which is displayed.

77. The method of claim 22 wherein the plurality of additional parameters comprises a price and type of order.

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42. The method of claim 41 wherein the bid and ask display regions and the order entry region comprise columns with a plurality of cells that are displayed as a grid such that the cells of each column are aligned.

43. The method of claim 41 wherein the bid and ask display regions and the order entry region are oriented vertically.

44. The method of claim 41 wherein the bid and ask display regions and the order entry region are oriented horizontally.

45. The method of claim 41 wherein one of the plurality of locations of the bid display region comprises a blank region in which there is no first indicator displayed.

46. The method of claim 41 wherein one of the plurality of locations of the ask display region comprises a blank region in which there is no first indicator displayed.

47. The method of claim 41 further comprising the step of displaying at least a portion of the common static price axis in a price display region.

48. The method of claim 47 wherein the bid display region, the ask display region, the order entry region and the price display region comprise columns with a plurality of cells that are displayed as a grid such that the cells of each column are aligned.

49. The method of claim 47 wherein the bid display region, the ask display region, the order entry region and the price display region are oriented vertically.

50. The method of claim 47 wherein the bid display region, the ask display region, the order entry region and the price display region are oriented horizontally.

51. The method of claim 41 further comprising the steps of:

dynamically displaying a third indicator at one of the plurality of locations in the bid display region, the third indicator representing quantity associated with at least one

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09/894,637 PROPOSED CLAIM AMENDMENTS (3/20/03)

41. A method for displaying market information relating to and facilitating trading of a commodity being traded in an electronic exchange having an inside market with a highest bid price and a lowest ask price on a graphical user interface, the method comprising:

dynamically displaying a first indicator in one of a plurality of locations in a bid display region, each location in the bid display region corresponding to a price level, along a common static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the highest bid price currently available in the market;

dynamically displaying a second indicator in one of a plurality of locations in an ask display region, each location in the ask display region corresponding to a price level, along the common static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the lowest ask price currently available in the market;

displaying the bid and ask display regions in relation to fixed price levels positioned along the common static price axis such that when the inside market changes, the price levels along the common static price axis do not move and at least one of the first and second indicators moves in the bid or ask display regions relative to the common static price axis;

displaying an order entry region comprising a plurality of locations for receiving commands to send trade orders, each location corresponding to a price level along the common static price axis; and

selecting a particular location in the order entry region through a single action of a user input device to set a plurality of parameters for a trade order relating to the commodity and send the trade order to the electronic exchange.

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58. A computer readable medium according to claim 30, further comprising program code to ensure that said displayed prices corresponding to the bids and asks are re-centered about an inside market price upon receipt of a re-centering instruction.

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59. A computer readable medium according to claim 30, further comprising program code for dynamically displaying working orders in alignment with the prices corresponding thereto.

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60. A computer readable medium according to claim 30, further comprising program code for dynamically displaying entered orders in alignment with the prices corresponding thereto, wherein said entered orders indicate a quantity of said commodity for which a trader's orders have been filled at said corresponding prices.

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61. A computer readable medium according to claim 30, further comprising program code to ensure that said statically displayed prices are displayed in at least one direction in numerical order.

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62. A computer readable medium according to claim 30, further comprising program code to ensure that said statically displayed prices are displayed along a single line in numerical order.

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63. A computer readable medium according to claim 30, further comprising program code for dynamically displaying a last traded quantity for said commodity in alignment with the price corresponding thereto.

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64. A client system according to claim 37, wherein said displays are oriented vertically.

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65. A client system according to claim 37, wherein said displays are oriented horizontally.

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order to buy the commodity at a price different than the highest bid price currently available in the market; and

dynamically displaying a fourth indicator at one of the plurality of locations in the ask display region, the fourth indicator representing quantity associated with at least one order to sell the commodity at a price different than the lowest ask price currently available in the market.

52. The method of claim 51 wherein the first and third indicators are displayed in locations of the bid display region that are arranged along an axis which is parallel to the common static price axis,

53. The method of claim 51 wherein the second and fourth indicators are displayed in locations of the ask display region that are arranged along an axis which is parallel to the common static price axis,

54. The method of claim 51 wherein a location of the plurality of locations of the bid display region comprises a blank region in which there is no first or third indicator displayed.

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55. The method of claim 51 wherein a location of the plurality of locations of the ask display region comprises a blank region in which there is no second or fourth indicator displayed.

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56. The method of claim 51 further comprising the steps of:  
displaying the first indicator at a first location associated with a first price level on the common static price axis at a first time; and

displaying the first indicator at a second location associated with a different price level on the common static price axis at a second time subsequent to the first time.

57. The method of claim 56 wherein the third and fourth indicators remain in the same location in the bid and ask display regions, respectively, before and after the first indicator is displayed at the second location.

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58. The method of claim 57 wherein each location of the bid display region corresponds to a different price level along the common static price axis and each location of the ask display region corresponds to a different price level along the common static price.

59. The method of claim 51 further comprising the steps of:  
displaying the second indicator at a first location associated with a first price level on the common static price axis at a first time; and  
displaying the second indicator at a second location associated with a different price level on the common static price axis at a second time subsequent to the first time.

60. The method of claim 59 wherein the third and fourth indicators remain in the same location in the bid and ask display regions, respectively, before and after the second indicator is displayed at the second location.

61. The method of claim 60 wherein each location of the bid display region corresponds to a different price level along the common static price axis and each location of the ask display region corresponds to a different price level along the common static price.

62. The method of claim 41 wherein the order entry region comprises a bid order entry region comprising a plurality of locations for receiving commands to send buy orders, each location corresponding to a price level along the common static price axis, and an ask order entry region comprising a plurality of locations for receiving commands to send sell orders, each location corresponding to a price level along the common static price axis.

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63. The method of claim 62 wherein the bid order entry region overlaps with the bid display region and the ask order entry region overlaps with the ask display region.

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64. The method of claim 41 further comprising dynamically displaying an entered order indicator in association with the price levels arranged along the common static price axis.

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65. The method of claim 64 wherein the entered order indicator is displayed in an entered order region.

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66. The method of claim 41 further comprising dynamically displaying a last trade indicator in association with the common static price axis.

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67. The method of claim 66 wherein the last trade indicator is displayed in a last trade region.

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68. The method of claim 41 further comprising the steps of:

displaying the first indicator at a first location associated with a first price level on the common static price axis at a first time; and

displaying the first indicator at a second location associated with a different price level on the common static price axis at a second time subsequent to the first time.

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69. The method of claim 41 further comprising the steps of:

displaying the second indicator at a first location associated with a first price level on the common static price axis at a first time; and

displaying the second indicator at a second location associated with a different price level on the common static price axis at a second time subsequent to the first time.

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70. The method of claim 41 further comprising the steps of:

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displaying the first indicator at a first location associated with a particular price level on the common static price axis; and

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repositioning the common static price axis such that the first indicator is displayed at a second location associated with the particular price level on the common static price axis.

71. The method of claim 41 further comprising the steps of:  
displaying the second indicator at a first location associated with a particular price level on the common static price axis; and

repositioning the common static price axis such that the second indicator is displayed at a second location associated with the particular price level on the common static price axis.

72. The method of claim 41 wherein the bid and ask display regions are displayed in different colors.

73. The method of claim 41 wherein the first and second indicators are displayed in different colors.

74. The method of claim 41 wherein the bid and ask display regions are displayed in a window further comprising centering the display of the first and second indicators in the window upon receipt of a centering instruction.

75. The method of claim 41 wherein the bid and ask display regions are displayed separately.

76. The method of claim 41 wherein the first and second indicators are based on an exchange order book and wherein the price levels along the common static price axis do not move in response to the addition of a price to the exchange order book, the additional price comprising a price for which there is a corresponding displayed location in at least one of the bid and ask display regions.

77. The method of claim 76 wherein the price levels along the common static price axis do not move in response to the removal of a price from the exchange order.

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a second program code for displaying an order entry region comprising a plurality of areas for receiving commands to send trade orders, each area associated with a price of the display of prices;

a third program code for initiating placement of a trade order relating to the commodity at a price outside of the inside market in response to a single action of the user input device with a pointer of the user input device positioned over an area in said order entry region associated with the price; and

a fourth program code for changing the price of the trade order based upon a preset parameter; and

a fifth program code for sending the trade order to the electronic exchange in response to the single action of the user input device wherein the trade order comprises the modified price.

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29. A client system for placing a trade order for a commodity on an electronic exchange, the system comprising:

a display device for dynamically displaying a market depth of the commodity comprising information representing orders at an inside market and orders outside of the inside market through a display of prices and quantities of a plurality of bids and asks in the market for the commodity;

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a user input device for positioning a pointer thereof over an area in an order entry region, the order entry region comprising a plurality of areas, each area associated with a price of the display of prices, and for initiating placement of a trade order relating to the commodity at a price level away from the inside market through a single action of the user input device; and

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a trade order characteristics setting component for changing the price of the trade order based upon a preset parameter; and

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a trade order sending component for sending the trade order to the electronic exchange in response to the single action of the user input device wherein the trade order comprises the modified price.

43. A method of placing a trade order for a commodity on an electronic exchange using a client system with a user input device, the method comprising:

dynamically displaying a market depth of the commodity comprising information representing orders at an inside market and orders outside of the inside market through a display of prices and quantities of a plurality of bids and asks in the market for the commodity;

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setting a plurality of parameters for trading;

displaying an order entry region comprising a plurality of areas for receiving commands to send trade orders, each area associated with a price of the display of prices;

initiating placement of a trade order relating to the commodity at a price outside of the inside market in response to a single action of the user input device with a pointer of the user input device positioned over an area in said order entry region associated with the price; and

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changing the price of the trade order based upon at least one of the preset parameters.

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**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Friday, March 21, 2003 11:49 AM  
**To:** Richard.Weisberger@USPTO.GOV  
**Subject:** RE: proposed amendments

Richard - Attached is the language that we will use to replace the selecting limitation in what was numbered claims 41 and 76 of the '637 case. I know you said you didn't need to see it, but I just wanted to get this to you while we are preparing the amendment papers.

Thanks,

steve

—Original Message—

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Friday, March 21, 2003 10:25 AM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: proposed amendments

Steve -

I'm quite satisfied with the amendments. The claims reflect with great precision the various functions of TT products. This process although somewhat arduous yielded a clear and definitive set of property boundaries, without limiting the scope of the claimed inventions unnecessarily. Follow up with the amendments and email your any notes that you have prepared directed to reasons for allowance.

Richard -

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Thursday, March 20, 2003 3:58 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** proposed amendments

Richard - Here are the proposed amendments in the 3 cases. The first file goes with the 590,692 case, the second is the 894,637 and the third is 589,751. The documents have redlined turned on to show the differences with the previous claims and which dependent claims are new. In the '751, the document contains just each independent claim and the changes thereto.

I will call you shortly.

Steve

<<692claimsamended.doc>> <<637claimsamend.doc>> <<751amend.doc>>

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—Original Message—

**From:** Steve Borsand (TT)  
**Sent:** Tuesday, May 27, 2003 4:42 PM  
**To:** 'Richard.Weisberger@uspto.gov'  
**Subject:** 09/590,692 et al.

Examiner Weisberger — Attached is a list of the references that we would prefer to be made of record in the various cases. Each page of the attached corresponds to a different case. Every reference listed on the attached was either cited by you or initiated as being considered by you in at least one of the four pending cases. Also, the most relevant references are already officially of record in each of the four cases and we are doing this clean-up out of an abundance of caution. Call me if you have any questions. Please tell us if you want us to prepare PTO 892 forms with all of the references listed. Also, if there is a need for copies of any references, let me know and I can have those made.

In addition, there is one other reference (US 2002/0138401 A1) that I believe should already be of record in each of the cases. This was a reference that was discussed at the interviews of March 13, 2003, but this reference has yet to be listed on a PTO form that we have seen. In the spirit of completeness, I wanted to make sure I list that here as well (it is not listed in the attached).

Thanks for considering this,

Steve

<<references.doc>>

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Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax: +1.312.476.1182  
steve.borsand@tradingtechnologies.com

---

TT 0099604

**Best Available Copy**

JUL-24-2006 18:51 FROM:

TO:USPTO

P. 108/154

**09/590,692:**

4,903,201 (cited in 09/589,751)  
5,101,353 (cited in 09/589,751)  
5,946,667 (cited in 09/589,751)  
6,035,287 (cited in 09/589,751)  
WO 95/26005 (cited in 09/589,751)  
WO 99/30259 (cited in 09/894,637)

**TT 0999605**

**Best Available Copy**

JUL-24-2006 18:51 FROM:

TO: USPTO

P. 109/154

**09/894,637:**

4,903,201 (cited in 09/589,751)  
5,101,353 (cited in 09/589,751)  
5,946,667 (cited in 09/589,751)  
6,035,287 (cited in 09/589,751)  
WO 95/26005 (cited in 09/589,751)

**TT 0099606**

**Best Available Copy**

JUL-24-2006 18:51 FROM:

TO:USPTO

P. 110/154

**09/971,087:**

5,689,651 (cited in 09/590,692 and 09/894,637)  
5,774,877 (cited in 09/590,692 and 09/894,637)  
5,793,301 (cited in 09/590,692 and 09/894,637)  
5,797,002 (cited in 09/590,692 and 09/894,637)  
5,845,266 (cited in 09/590,692 and 09/894,637)  
5,915,245 (cited in 09/590,692 and 09/894,637)  
5,963,923 (cited in 09/590,692 and 09/894,637)  
6,012,046 (cited in 09/590,692 and 09/894,637)  
6,014,643 (cited in 09/590,692 and 09/894,637)  
6,098,051 (cited in 09/590,692 and 09/894,637)  
6,195,647 (cited in 09/590,692 and 09/894,637)  
6,272,474 (cited in 09/590,692 and 09/894,637)  
6,278,982 (cited in 09/590,692 and 09/894,637)  
4,903,201 (cited in 09/589,751)  
5,101,353 (cited in 09/589,751)  
5,946,667 (cited in 09/589,751)  
6,035,287 (cited in 09/589,751)  
WO 95/26005 (cited in 09/589,751)  
4,674,044 (cited in 09/590,692 and 09/894,637)  
4,750,135 (cited in 09/590,692 and 09/894,637)  
5,270,922 (cited in 09/590,692 and 09/894,637)  
5,924,083 (cited in 09/590,692 and 09/894,637)  
WO 99/30259 (cited in 09/894,637)  
[www.tradingtechnologies.com/products/xtrade\\_full.html](http://www.tradingtechnologies.com/products/xtrade_full.html) (viewed 5/22/2001)  
(cited in 09/590,692 and 09/894,637)  
Kharouf, a trading room with a view, Futures 27, 11-11/1998  
(cited in 09/590,692 and 09/894,637)

TT 0099607

JUL-24-2006 18:51 FROM:

TO:USPTO

P.111/154

09/589,751:

5,038,284 (cited in all other cases)  
5,077,665 (cited in all other cases)  
5,136,501 (cited in all other cases)  
5,297,031 (cited in all other cases)  
5,297,032 (cited in all other cases)  
5,689,651 (cited in all other cases)  
5,774,877 (cited in all other cases)  
5,793,301 (cited in all other cases)  
5,797,002 (cited in all other cases)  
5,915,245 (cited in 09/590,692 and 09/894,637)  
5,924,082 (cited in all other cases)  
5,963,923 (cited in 09/590,692 and 09/894,637)  
6,014,643 (cited in 09/590,692 and 09/894,637)  
6,098,051 (cited in 09/590,692 and 09/894,637)  
6,131,087 (cited in all other cases)  
6,134,535 (cited in all other cases)  
6,195,647 (cited in 09/590,692 and 09/894,637)  
6,272,474 (cited in 09/590,692 and 09/894,637)  
6,278,982 (cited in 09/590,692 and 09/894,637)  
6,282,521 (cited in all other cases)  
2002/0055899 (cited in all other cases)  
4,674,044 (cited in 09/590,692 and 09/894,637)  
4,750,135 (cited in 09/590,692 and 09/894,637)  
5,270,922 (cited in 09/590,692 and 09/894,637)  
5,924,083 (cited in 09/590,692 and 09/894,637)  
WO 00/65510 (cited in all other cases)  
WO 01/16830 (cited in all other cases)  
WO 01/22315 (cited in all other cases)  
WO 01/88808 (cited in all other cases)  
WO 99/30259 (cited in 09/894,637)  
[www.tradingtechnologies.com/products/xtrade\\_full.html](http://www.tradingtechnologies.com/products/xtrade_full.html) (viewed 5/22/2001)  
(cited in 09/590,692 and 09/894,637)  
Kharouf, a trading room with a view, Futures 27, 11-11/1998  
(cited in 09/590,692 and 09/894,637)

TT 0099608

Best Available Copy

JUL-24-2006 18:51 FROM:

TO:USPTO

P.112/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Thursday, December 11, 2003 10:54 AM  
**To:** Richard.Weisberger@USPTO.GOV  
**Subject:** RE: status

Rich - I left you a voicemail as well. I assume that the recently allowed case you are referring is the case in which we filed an RCE (09/589,751). If that is correct, could you sign the IDSs and complete and send the notices of allowances in the other 3 cases (09/590,692, 09/894,637 and 09/971,087) now so that the only case being held up by quality would be 09/589,751?

Thanks,

Steve

—Original Message—

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Thursday, December 11, 2003 10:38 AM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: status

Steve -

I was on leave to attend to finals and end of semester (MS of Finance) issues. I have the cases in my possession and removed the recently allowed case from the normal quality cue. Spoke with quality this morning, it should no longer than three days to remove the hold.

Regards,

Richard -

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Tuesday, December 09, 2003 2:33 PM  
**To:** Weisberger, Richard  
**Subject:** status

Rich - I learned you were out of the office last week but that you are back in now. Could you please call me at 312-476-1018?

Thanks,

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.

TT 0099569

**Best Available Copy**

JUL-24-2006 18:52 FROM:

TO:USPTO

P. 113/154

ph: +1.312.476.1018  
fax: +1.312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

---

**TT 0099570**

Best Available Copy

JUL-24-2006 18:52 FROM:

TO:USPTO

P. 114/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]

**Sent:** Thursday, February 26, 2004 8:41 AM

**To:** richard.weisberger@uspto.gov

**Subject:** FW: Unacknowledged IDS forms

Richard - Following up on my voicemail yesterday, below is an list of the IDS that were filed in the 590,692 and 894,637 that we have not received acknowledged forms. If they have been signed, could you fax us copies? Otherwise, we deliver copies of the forms to you. I will follow up with you by phone.

Thanks,

Steve

-----Original Message-----

**From:** Shah, Ankur D. [mailto:ASHah@foley.com]

**Sent:** Wednesday, February 25, 2004 4:36 PM

**To:** 'Steven F. Borsand (steve.borsand@tradingtechnologies.com)'

**Subject:** Unacknowledged IDS forms

Steve:

Here is the list of IDSs by date where the corresponding 1449 or SB08 form has not been initialed and returned to us by the Examiner.

09/590,692

November 11, 2002

December 18, 2002

February 11, 2003

October 20, 2003

November 12, 2003

09/894,637

September 7, 2001

September 20, 2002

November 14, 2002

December 18, 2002

February 13, 2003

November 12, 2003

-Ankur D. Shah

Foley & Lardner.

3000 K Street NW, Suite 500

Washington, DC 20007

(202) 945-6132

(202) 672-5399 (fax)

ashah@foley.com

**IMPORTANT NOTICE:** The preceding message may be confidential or protected by the attorney-client privilege. It is not intended for transmission to, or receipt by, any unauthorized persons. If you believe that it has been sent to you in error, do not read it. Please reply to the sender that you have received the message in error. Then destroy it. Thank you.

TT 0099588

**Best Available Copy**

JUL-24-2006 18:52 FROM:

TO: USPTO

P.115/154

**From:** Weisberger, Richard [Richard.Weisberger@USPTO.GOV]  
**Sent:** Thursday, February 26, 2004 1:52 PM  
**To:** Steve Borsand (TT)  
**Subject:** RE: Unacknowledged IDS forms  
I'll have to pick this up with you tomorrow.

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com [mailto:Steve.Borsand@tradingtechnologies.com]  
**Sent:** Thursday, February 26, 2004 9:41 AM  
**To:** Weisberger, Richard  
**Subject:** FW: Unacknowledged IDS forms

Richard -- Following up on my voicemail yesterday, below is an list of the IDS that were filed in the 590,692 and 894,637 that we have not received acknowledged forms. If they have been signed, could you fax us copies? Otherwise, we deliver copies of the forms to you. I will follow up with you by phone.

Thanks,

Steve

TT 0099444

**Best Available Copy**

JUL-24-2006 18:52 FROM:

TO:USPTO

P. 116/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Monday, March 01, 2004 11:12 AM  
**To:** Richard.Weisberger@USPTO.GOV  
**Subject:** Re: Unacknowledged IDS forms

Richard -- Any way we can talk today about this? I can be reached on my cell at 847-915-1411. Thanks, Steve

-----Original Message-----

**From:** Weisberger, Richard <Richard.Weisberger@USPTO.GOV>  
**To:** Steve.Borsand@tradingtechnologies.com <Steve.Borsand@tradingtechnologies.com>  
**Sent:** Thu Feb 26 13:51:41 2004  
**Subject:** RE: Unacknowledged IDS forms

I'll have to pick this up with you tomorrow.

-----Original Message-----

**From:** Steve.Borsand@tradingtechnologies.com [mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Thursday, February 26, 2004 9:41 AM  
**To:** Weisberger, Richard  
**Subject:** FW: Unacknowledged IDS forms

Richard -- Following up on my voicemail yesterday, below is an list of the IDS that were filed in the 590,692 and 894,637 that we have not received acknowledged forms. If they have been signed, could you fax us copies? Otherwise, we deliver copies of the forms to you. I will follow up with you by phone.

Thanks,

Steve

-----Original Message-----

**From:** Shah, Ankur D. [mailto:[AShah@fotey.com](mailto:AShah@fotey.com)]  
**Sent:** Wednesday, February 25, 2004 4:36 PM  
**To:** Steven F. Borsand (steve.borsand@tradingtechnologies.com)  
**Subject:** Unacknowledged IDS forms

Steve:

Here is the list of IDSs by date where the corresponding 1449 or SB08 form has not been initialed and returned to us by the Examiner.

09/590,692  
November 11, 2002  
December 18, 2002  
February 11, 2003  
October 20, 2003  
November 12, 2003

TT 0099589

D  
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JUL-24-2006 18:52 FROM:

TO:USPTO

P.117/154

09/894,637  
September 7, 2001  
September 20, 2002  
November 14, 2002  
December 18, 2002  
February 13, 2003

November 12, 2003

-Ankur D. Shah  
Foley & Lardner  
3000 K Street NW, Suite 500  
Washington, DC 20007  
(202) 945-6132  
(202) 672-5399 (fax)  
[ashah@foley.com](mailto:ashah@foley.com)

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**TT 0099590**

**Best Available Copy**

JUL-24-2006 18:53 FROM:

TO:USPTO

P.119/154

—Original Message—

From: AShah@foleylaw.com [mailto:[AShah@foleylaw.com](mailto:AShah@foleylaw.com)]  
Sent: Tuesday, October 01, 2002 6:13 PM  
To: Richard.Weisberger@USPTO.GOV  
Subject: Interview Summaries and Reasons for Allowance

Hi Richard:

I await to hear from you regarding the Interview Summaries and language for Reasons for Allowance. I think the deal you proposed during the Interviews was prompt Interview Summaries in exchange for our submissions of Amendments. Please let me know where this stands. Thanks.

~Ankur D. Shah  
Foley & Lardner  
(202) 945-6132  
[ashah@foleylaw.com](mailto:ashah@foleylaw.com)

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TT 0099500

**Best Available Copy**

JUL-24-2006 18:53 FROM:

TO:USPTO

P. 120/154

**From:** Richard.Weisberger@USPTO.GOV  
**Sent:** Wednesday, October 02, 2002 11:22 AM  
**To:** AShah@foleylaw.com  
**Cc:** Steve Borsand (TT)  
**Subject:** RE: Interview Summaries and Reasons for Allowance

Ankor

The cases have been submitted for allowance. The interview summary records should have been faxed. I'll have each faxed again. As for the reasons for allowance, as discussed, the contents thereof are not of record until the case has been reviewed. Reasons for allowance are generally not subject to negotiation, but you will be granted an opportunity to respond. Your comments should follow the receipt of the notice of allowance and should be submitted no later than the payment of the issue fee. I do not anticipate any problems but should we disagree, you should not expect any further comment on my part. See 37 CFR 1.104(e).

Richard -

—Original Message—

**From:** AShah@foleylaw.com [mailto:[AShah@foleylaw.com](mailto:AShah@foleylaw.com)]  
**Sent:** Tuesday, October 01, 2002 6:13 PM  
**To:** Richard.Weisberger@USPTO.GOV  
**Subject:** Interview Summaries and Reasons for Allowance

Hi Richard:

I await to hear from you regarding the Interview Summaries and language for Reasons for Allowance. I think the deal you proposed during the Interviews was prompt Interview Summaries in exchange for our submissions of Amendments. Please let me know where this stands. Thanks,

-Ankur D. Shah  
Foley & Lardner  
(202) 945-6132  
[ashah@foleylaw.com](mailto:ashah@foleylaw.com)

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TT 0099522

**Best Available Copy**

JUL-24-2006 18:53 FROM:

TO:USPTO

P.121/154

**From:** Shah, Ankur D. [AShah@foleylaw.com]  
**Sent:** Wednesday, October 02, 2002 12:41 PM  
**To:** Richard.Weisberger@USPTO.GOV  
**Cc:** Steve Borsand (TT)  
**Subject:** RE: Interview Summaries and Reasons for Allowance

Richard:

I just received the fax of the Interview Summaries. Thank you.

The reason I mentioned Reasons for Allowance was not to negotiate, but rather to follow-up on our discussion Friday regarding the withdrawal of the double patenting rejection and the terminal disclaimer in the 09/589,751 case. I believe we had discussed that you would include language either in the Interview Summary or in the Reasons for Allowance to the effect that the double patenting rejection was withdrawn in view of the agreement reached regarding the claim amendments, and that the Terminal Disclaimer was no longer necessary. This will support our filing of a petition to revoke the Term. Discl. and the PTO granting the same.

Also, please let me know what you find out from your supervisors regarding the Terminal Disclaimer and whether we should go ahead and file the petition to revoke it. We don't want to delay matters by making any unnecessary filings.

Thanks,

Best regards,

-Ankur D. Shah  
Foley & Lardner  
(202) 945-6132  
ashah@foleylaw.com

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

TT 0099504

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JUL-24-2006 18:53 FROM:

TO:USPTO

P.122/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Wednesday, March 19, 2003 4:29 PM  
**To:** richard.weisberger@uspto.gov

22. A method of placing a trade order for a commodity on an electronic exchange, using a graphical user interface and a user input device, said method comprising:

setting a preset parameter for the trade order;

displaying the market depth of a commodity traded in a market, through a dynamic display of a plurality of bids and a plurality of asks in the market for the commodity, including the bid and ask quantities of the commodity, aligned with a static display of prices corresponding thereto; and

setting a plurality of additional parameters for the trade order and sending the trade order to the electronic exchange through a single action of the user input device with a pointer of the user input device positioned over an area in said dynamic displays of bids and asks;

---

Steven F. Borsand  
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fax: +1.312.476.1182  
steve.borsand@tradingtechnologies.com

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TT 0099618

Best Available Copy

JUL-24-2006 18:53 FROM:

TO:USPTO

P. 123/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Wednesday, March 19, 2003 5:46 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** another claim

41. (New) A method for displaying market information relating to and facilitating trading of a commodity being traded in an electronic exchange-market having an inside market with a highest bid price and a lowest ask price on a graphical user interface, the method comprising:

dynamically displaying a first indicator in one of a plurality of locations in a bid display region in association with price levels along a common static price axis, the first indicator representing quantity associated with at least one order to buy the commodity at the highest bid price currently available in the market;

dynamically displaying a second indicator in one of a plurality of locations in an ask display region in association with the price levels along the common static price axis, the second indicator representing quantity associated with at least one order to sell the commodity at the lowest ask price currently available in the market; and

displaying the bid and ask display regions in relation to fixed price levels positioned along the common static price axis such that the first and second indicators can move in the bid and ask display regions relative to the common static price axis when the inside market changes;

displaying an order entry region comprising a plurality of locations for receiving commands to send trade orders, each location corresponding to a price level along the common static price axis; and

setting a plurality of parameters for a trade order relating to the commodity and sending the trade order to the electronic exchange through a single action of a user input device which selects a particular location in the order entry region.

---

Steven F. Borsand  
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fax +1.312.476.1182  
steve.borsand@tradingtechnologies.com

---

TT 0099617

**Best Available Copy**

JUL-24-2006 18:54 FROM:

TO:USPTO

P.124/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Friday, March 21, 2003 10:05 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** amendments

The three amendments were filed by fax to you earlier this evening. I will also fax you copies to the other fax # you gave me on Sunday.

Would it be possible to actually see your reasons for allowance and to see your interview summary before they are entered? If so, you could email me a draft.

Thanks,

Steve

**TT 0099548**

**Best Available Copy**

JUL-24-2006 18:54 FROM:

TO:USPTO

P.125/154

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**From:** Weisberger, Richard [Richard.Weisberger@USPTO.GOV]  
**Sent:** Wednesday, October 08, 2003 3:34 PM  
**To:** Steve Borsand (TT)  
**Subject:** RE: 09/690,052 et al.

Steve,

Sorry, I decided to take most of the week off. I'm scheduling a wrap up meeting quality for next Wednesday. I hope to remove the flag on that day.

Richard -

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Tuesday, October 07, 2003 10:30 AM  
**To:** richard.weisberger@uspto.gov  
**Subject:** 09/690,052 et al.

Rich – I am hoping we can talk today about status. Several weeks ago we agreed to talk on 10/3.

Thanks,

Steve

---

**Steven F. Borsand**  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax: +1.312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

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TX 0099510

**Best Available Copy**

JUL-24-2006 18:54 FROM:

TO:USPTO

P. 126/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Wednesday, October 15, 2003 11:15 AM  
**To:** Richard.Weisberger@USPTO.GOV  
**Subject:** RE: 09/690,052 et al.

Richard,

I will be out there tomorrow for our industry presentation. Are you going to attend? Lets plan on talking after.

Steve

—Original Message—

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Wednesday, October 15, 2003 11:13 AM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: 09/690,052 et al.

Steve,

I'll have an update late tomorrow.

Richard.

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Tuesday, October 07, 2003 10:30 AM  
**To:** richard.weisberger@uspto.gov  
**Subject:** 09/690,052 et al.

Rich – I am hoping we can talk today about status. Several weeks ago we agreed to talk on 10/3.

Thanks,

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
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steve.borsand@tradingtechnologies.com

---

TT 0099560

**Best Available Copy**

JUL-24-2006 18:54 FROM:

TO:USPTO

P.127/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Thursday, October 16, 2003 4:09 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** meeting tomorrow

Rich -- Too bad you couldn't make our presentation. Someone gave me a message that you could talk tomorrow. I am actually staying over tonight and would like to stop by and talk with in person either tomorrow morning or early afternoon. I plan on coming over there around 10:00 am. Let me know if there are any problems with this or if there is a better time.

You can reach me on my cell at 847-477-9818.

Steve Borsand

**TT 0099561**

**Best Available Copy**

JUL-24-2006 18:54 FROM:

TO:USPTO

P. 129/154

**From:** Richard.Weisberger@USPTO.GOV  
**Sent:** Thursday, October 23, 2003 11:16 AM  
**To:** Steve Borsand (TT)  
**Subject:** RE: terminal disclaimer and IDSs

The PTO has an independent contractor perform this task.

-----Original Message-----

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Wednesday, October 22, 2003 6:20 PM  
To: Weisberger, Richard  
Subject: RE: terminal disclaimer and IDSs

How do the faxed papers get matched? Is there anything I can do to make this happen right away – are files still with the quality reviewer?

Steve

-----Original Message-----

From: Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
Sent: Wednesday, October 22, 2003 12:17 PM  
To: Steve.Borsand@tradingtechnologies.com  
Subject: RE: terminal disclaimer and IDSs

The faxed papers need to be matched to the case and forwarded to me. When they arrive on my desk I will call you.

-----Original Message-----

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Friday, October 17, 2003 5:26 PM  
To: Weisberger, Richard  
Subject: terminal disclaimer and IDSs

Rich – I left you a voicemail on this as well. I received your voicemail with the fax. The only issue is that the IDSs need to include copies of the references. Should we just submit everything by hand or should we submit the IDS forms and terminal disclaimer by fax and then deliver the copies?

We plan on filing everything on Monday.

Thanks,

Steve

TT 0099535

**Best Available Copy**

JUL-24-2006 18:54 FROM:

TO:USPTO

P.128/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Friday, October 17, 2003 4:26 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** terminal disclaimer and IDSs

Rich - I left you a voicemail on this as well. I received your voicemail with the fax. The only issue is that the IDSs need to include copies of the references. Should we just submit everything by hand or should we submit the IDS forms and terminal disclaimer by fax and then deliver the copies?

We plan on filing everything on Monday.

Thanks,

Steve

**TT 0099565**

**Best Available Copy**

JUL-24-2006 18:55 FROM:

TO:USPTO

P. 130/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Thursday, December 04, 2003 12:53 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** trying to reach you

Rich – Are you in today? I have been trying to reach you (and left you a voicemail yesterday).

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax: +1.312.476.1182  
steve.borsand@tradingtechnologies.com

---

TT 0099564

**Best Available Copy**

JUL-24-2006 18:55 FROM:

TO:USPTO

P. 131/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Tuesday, December 16, 2003 1:58 PM  
**To:** Richard.Weisberger@USPTO.GOV  
**Subject:** RE: status

Richard -- Any update?

Thanks,

Steve

-----Original Message-----

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Thursday, December 11, 2003 10:38 AM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: status

Steve -

I was on leave to attend to finals and end of semester (MS of Finance) issues. I have the cases in my possession and removed the recently allowed case from the normal quality cue. Spoke with quality this morning, it should no longer than three days to remove the hold.

Regards,

Richard -

-----Original Message-----

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Tuesday, December 09, 2003 2:33 PM  
**To:** Weisberger, Richard  
**Subject:** status

Rich -- I learned you were out of the office last week but that you are back in now. Could you please call me at 312-476-1018?

Thanks,

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018

TT 0099571

**Best Available Copy**

JUL-24-2006 18:55 FROM:

TO:USPTO

P. 132/154

fax: +1312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

---

**TT 0099572**

**Best Available Copy**

JUL-24-2006 18:55 FROM:

TO:USPTO

P.133/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Friday, December 19, 2003 12:03 PM  
**To:** Richard.Weisberger@USPTO.GOV  
**Subject:** RE: status

I left you a voicemail as well. Could you please call me at 312-476-1018?

Thanks,

Steve

—Original Message—

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Thursday, December 18, 2003 12:27 PM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: status

I'll check on it tomorrow. The office is having a holiday party today.

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Tuesday, December 16, 2003 2:58 PM  
**To:** Weisberger, Richard  
**Subject:** RE: status

Richard - Any update?

Thanks,

Steve

—Original Message—

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Thursday, December 11, 2003 10:38 AM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: status

Steve -

I was on leave to attend to finals and end of semester (MS of Finance) issues. I have the cases in my possession and removed the recently allowed case from the normal quality cue. Spoke with quality this morning, it should no longer than three days to remove the hold.

Regards,

Richard -

**TT 0099583**

**Best Available Copy**

JUL-24-2006 18:55 FROM:

TO:USPTO

P. 134/154

—Original Message—

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Tuesday, December 09, 2003 2:33 PM  
To: Weisberger, Richard  
Subject: status

Rich – I learned you were out of the office last week but that you are back in now. Could you please call me at 312-476-1018?

Thanks,

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax: +1.312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

---

TT 0099584

**Best Available Copy**

JUL-24-2006 18:55 FROM:

TO:USPTO

P. 135/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Monday, December 22, 2003 4:38 PM  
**To:** Richard\_Weisberger@USPTO.GOV  
**Subject:** RE: status

Richard - Are we done?

Steve

—Original Message—

**From:** Richard\_Weisberger@USPTO.GOV [mailto:Richard\_Weisberger@USPTO.GOV]  
**Sent:** Thursday, December 18, 2003 12:27 PM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: status

I'll check on it tomorrow. The office is having a holiday party today.

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:Steve.Borsand@tradingtechnologies.com]  
**Sent:** Tuesday, December 16, 2003 2:58 PM  
**To:** Weisberger, Richard  
**Subject:** RE: status

Richard - Any update?

Thanks,

Steve

—Original Message—

**From:** Richard\_Weisberger@USPTO.GOV [mailto:Richard\_Weisberger@USPTO.GOV]  
**Sent:** Thursday, December 11, 2003 10:38 AM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: status

Steve -

I was on leave to attend to finals and end of semester (MS of Finance) issues. I have the cases in my possession and removed the recently allowed case from the normal quality cue. Spoke with quality this morning, it should be longer than three days to remove the hold.

Regards,

Richard -

TT 0099573

**Best Available Copy**

JUL-24-2006 18:56 FROM:

TO:USPTO

P. 136/154

—Original Message—

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Tuesday, December 09, 2003 2:33 PM  
To: Weisberger, Richard  
Subject: status

Rich – I learned you were out of the office last week but that you are back in now. Could you please call me at 312-476-1018?

Thanks,

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax: +1.312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

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TT 0099574

**Best Available Copy**

JUL-24-2006 18:56 FROM:

TO:USPTO

P. 137/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Tuesday, December 23, 2003 4:12 PM  
**To:** richard.weisberger@uspto.gov  
**Subject:** status

Richard - Are you in the office?

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax +1.312.476.1182  
steve.borsand@tradingtechnologies.com

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**TT 0099576**

**Best Available Copy**

JUL-24-2006 18:56 FROM:

TO:USPTO

P.138/154

**From:** Richard.Weisberger@USPTO.GOV  
**Sent:** Sunday, January 11, 2004 8:15 PM  
**To:** Steve Borsand (TT)  
**Subject:** RE: status

Steve -

I just returned to the office. I know your anxious for a reply, but please be patient as I have a few dozen messages and four cases that have to be moved by the end of the day, Monday. I'll call you either way by the end of the day Monday.

-----Original Message-----

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Monday, January 05, 2004 11:16 AM  
**To:** Weisberger, Richard  
**Subject:** RE: status

Richard

I am sorry to hear that. My condolences to you and your family.

Steve

-----Original Message-----

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Friday, January 02, 2004 1:42 PM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: status

Steve

My grandmother past away. I'll be out of the office most of next week. I'll call you when I return.

Richard

-----Original Message-----

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
**Sent:** Monday, December 22, 2003 5:38 PM  
**To:** Weisberger, Richard  
**Subject:** RE: status

Richard - Are we done?

Steve

-----Original Message-----

**From:** Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
**Sent:** Thursday, December 18, 2003 12:27 PM  
**To:** Steve.Borsand@tradingtechnologies.com

TT 0099524

**Best Available Copy**

JUL-24-2006 18:56 FROM:

TO:USPTO

P. 139/154

**Subject: RE: status**

I'll check on it tomorrow. The office is having a holiday party today.

---Original Message---

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Tuesday, December 16, 2003 2:58 PM  
To: Weisberger, Richard  
Subject: RE: status

Richard - Any update?

Thanks,

Steve

---Original Message---

From: Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
Sent: Thursday, December 11, 2003 10:38 AM  
To: Steve.Borsand@tradingtechnologies.com  
Subject: RE: status

Steve -

I was on leave to attend to finals and end of semester (MS of Finance) issues. I have the cases in my possession and removed the recently allowed case from the normal quality cue. Spoke with quality this morning, it should no longer than three days to remove the hold.

Regards,

Richard -

---Original Message---

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Tuesday, December 09, 2003 2:33 PM  
To: Weisberger, Richard  
Subject: status

Rich -- I learned you were out of the office last week but that you are back in now. Could you please call me at 312-476-1018?

Thanks,

Steve

**TT 0099525**

---

Steven F. Borsand  
Vice President, Intellectual Property

**Best Available Copy**

JUL-24-2006 18:56 FROM:

TO:USPTO

P. 140/154

Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax: +1.312.476.1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

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**TT 0099526**

**Best Available Copy**

JUL-24-2006 18:56 FROM:

TO:USPTO

P. 141/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Monday, January 12, 2004 2:32 PM  
**To:** Richard.Weisberger@USPTO.GOV  
**Subject:** RE: status

Richard -

Thanks. I look forward to hearing from you this afternoon.

Steve

—Original Message—

**From:** Richard.Weisberger@USPTO.GOV [mailto:Richard.Weisberger@USPTO.GOV]  
**Sent:** Sunday, January 11, 2004 8:15 PM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: status

Steve -

I just returned to the office. I know your anxious for a reply, but please be patient as I have a few dozen messages and four cases that have to be moved by the end of the day, Monday. I'll call you either way by the end of the day Monday.

—Original Message—

**From:** Steve.Borsand@tradingtechnologies.com  
[mailto:Steve.Borsand@tradingtechnologies.com]  
**Sent:** Monday, January 05, 2004 11:16 AM  
**To:** Weisberger, Richard  
**Subject:** RE: status

Richard

I am sorry to hear that. My condolences to you and your family.

Steve

—Original Message—

**From:** Richard.Weisberger@USPTO.GOV [mailto:Richard.Weisberger@USPTO.GOV]  
**Sent:** Friday, January 02, 2004 1:42 PM  
**To:** Steve.Borsand@tradingtechnologies.com  
**Subject:** RE: status

Steve

My grandmother past away. I'll be out of the office most of next week. I'll call you when I return.

TT 0099580

**Best Available Copy**

JUL-24-2006 18:57 FROM:

TO:USPTO

P. 143/154

Regards,

Richard -

-----Original Message-----

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Tuesday, December 09, 2003 2:33 PM  
To: Weisberger, Richard  
Subject: status

Rich - I learned you were out of the office last week but that you are back in now. Could you please call me at 312-476-1018?

Thanks,

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1 312 476 1018  
fax: +1 312 476 1182  
[steve.borsand@tradingtechnologies.com](mailto:steve.borsand@tradingtechnologies.com)

---

TT 8099582

**Best Available Copy**

JUL-24-2006 18:56 FROM:

TO:USPTO

P. 142/154

Richard

—Original Message—

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Monday, December 22, 2003 5:38 PM  
To: Weisberger, Richard  
Subject: RE: status

Richard – Are we done?

Steve

—Original Message—

From: Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
Sent: Thursday, December 18, 2003 12:27 PM  
To: Steve.Borsand@tradingtechnologies.com  
Subject: RE: status

I'll check on it tomorrow. The office is having a holiday party today.

—Original Message—

From: Steve.Borsand@tradingtechnologies.com  
[mailto:[Steve.Borsand@tradingtechnologies.com](mailto:Steve.Borsand@tradingtechnologies.com)]  
Sent: Tuesday, December 16, 2003 2:58 PM  
To: Weisberger, Richard  
Subject: RE: status

Richard – Any update?

Thanks,

Steve

—Original Message—

From: Richard.Weisberger@USPTO.GOV [mailto:[Richard.Weisberger@USPTO.GOV](mailto:Richard.Weisberger@USPTO.GOV)]  
Sent: Thursday, December 11, 2003 10:38 AM  
To: Steve.Borsand@tradingtechnologies.com  
Subject: RE: status

Steve -

I was on leave to attend to finals and end of semester (MS of Finance) issues. I have the cases in my possession and removed the recently allowed case from the normal quality cite. Spoke with quality this morning, it should no longer than three days to remove the hold.

TT 0099581

**Best Available Copy**

JUL-24-2006 18:57 FROM:

TO:USPTO

P.144/154

From: Richard.Weisberger@USPTO.GOV  
Sent: Tuesday, January 13, 2004 11:17 AM  
To: Steve Borsand (TT)  
Subject: FW: Can i stop my this afternoon to follow up on a removing a flag?

Steve -

I was unable to schedule a meeting with Quality yesterday or today, as you can see I have scheduled for tomorrow. Richard

> -----Original Message-----  
> From: Weinhardt, Robert  
> Sent: Tuesday, January 13, 2004 12:11 PM  
> To: Weisberger, Richard  
> Subject: RE: Can i stop my this afternoon to follow up on a removing  
> a flag?  
>  
> Tomorrow would be better. Had an 8:30-12 meeting this morning then  
> another meeting this afternoon. Tomorrow is wide open.  
>  
> -----Original Message-----  
> From: Weisberger, Richard  
> Sent: Tuesday, January 13, 2004 11:07 AM  
> To: Weinhardt, Robert  
> Subject: Can i stop my this afternoon to follow up on a removing a  
> flag?  
>  
>

TT 0099516

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JUL-24-2006 18:57 FROM:

TO:USPTO

P.145/154

**From:** Steve Borsand (TT) [Steve.Borsand@tradingtechnologies.com]  
**Sent:** Friday, January 30, 2004 11:02 AM  
**To:** richard.weisberger@uspto.gov  
**Subject:** status

Richard — Any update?

Steve

---

Steven F. Borsand  
Vice President, Intellectual Property  
Trading Technologies, Inc.  
ph: +1.312.476.1018  
fax +1.312.476.1182  
steve.borsand@tradingtechnologies.com

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**TT 0099585**

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TO:USPTO

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E



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JUL-24-2006 18:57 FROM:

TO:USPTO

P.147/154

Page 1 of 2

Search results as of: 05-02-2006::20:22:53 E.T.

<b>Transaction History</b>	
<b>Date</b>	<b>Transaction Description</b>
07-11-2005	Post Issue Communication - Certificate of Correction
08-03-2004	Recordation of Patent Grant Mailed
07-15-2004	Issue Notification Mailed
08-03-2004	Patent Issue Date Used in PTA Calculation
06-10-2004	Disposal Flag Change
06-23-2004	Receipt into Pubs
06-21-2004	Dispatch to FDC
03-08-2004	Issue Fee Payment Verified
08-12-2002	Workflow - Drawings Finished
08-12-2002	Workflow - Drawings Matched with File at Contractor
08-18-2004	Receipt into Pubs
08-14-2004	Record a Petition Decision of Granted for Patent Term Adjustment after Allowance
08-14-2004	Adjustment of PTA Calculation by PTO
06-14-2004	Adjustment of PTA Calculation by PTO
06-10-2004	Mailing Corrected Notice of Allowability
06-10-2004	Corrected Notice of Allowability
03-05-2004	Petition Entered
03-08-2004	Issue Fee Payment Received
03-03-2004	Power to Make Copies and/or Inspect
02-27-2004	Receipt into Pubs
02-25-2004	Dispatch to Publications
02-10-2004	Mail Notice of Allowance
02-09-2004	Notice of Allowance Data Verification Completed
03-21-2003	Date Forwarded to Examiner
03-21-2003	Supplemental Response
03-21-2003	Date Forwarded to Examiner
03-19-2003	Request for Continued Examination (RCE)
03-21-2003	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
02-11-2003	Information Disclosure Statement (IDS) Filed
02-05-2003	Miscellaneous Incoming Letter
12-18-2002	Information Disclosure Statement (IDS) Filed
11-12-2002	Workflow - Petition - Begin
11-12-2002	Workflow - Request for RCE - Begin
11-13-2002	Record Petition Decision of Granted to Withdraw from Issue
11-12-2002	Petition Entered
10-31-2002	Application Is Considered Ready for Issue
08-12-2002	Issue Fee Payment Verified
08-12-2002	Workflow - Drawings Finished
08-12-2002	Workflow - Drawings Matched with File at Contractor
10-25-2002	Mail Response to 312 Amendment (PTO-271)
10-24-2002	Response to Amendment under Rule 312
08-12-2002	Amendment after Notice of Allowance (Rule 312)

[http://portal.uspto.gov/external/PA\\_1\\_0\\_18L/PrinterFriendlyServlet?selPriPage=fileHistory...](http://portal.uspto.gov/external/PA_1_0_18L/PrinterFriendlyServlet?selPriPage=fileHistory...) 5/2/2006

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JUL-24-2006 18:57 FROM:

TO:USPTO

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**Page 2 of 2**

10-22-2002	Receipt into Pubs
09-24-2002	Workflow - File Sent to Contractor
09-24-2002	Receipt into Pubs
09-23-2002	Dispatch to Publications
08-12-2002	Workflow - Drawings Received at Contractor
08-12-2002	Workflow - Drawings Sent to Contractor
08-12-2002	Issue Fee Payment Received
07-31-2002	Mail Notice of Allowance
07-31-2002	Mail Formal Drawings Required
07-26-2002	Formal Drawings Required
07-26-2002	Notice of Allowance Data Verification Completed
04-23-2002	Case Docketed to Examiner in GAU
03-12-2002	Information Disclosure Statement (IDS) Filed
01-02-2002	Case Docketed to Examiner in GAU
11-11-2001	Case Docketed to Examiner in GAU
10-17-2001	Information Disclosure Statement (IDS) Filed
10-12-2001	Date Forwarded to Examiner
10-09-2001	Response after Non-Final Action
10-09-2001	Request for Extension of Time - Granted
08-02-2001	Correspondence Address Change
06-08-2001	Mail Non-Final Rejection
06-08-2001	Non-Final Rejection
04-27-2001	Petition Decision - Granted
03-13-2001	Petition Entered
03-06-2001	Petition Decision - Denied
08-21-2000	Petition Entered
02-15-2001	Case Docketed to Examiner in GAU
12-19-2000	Application Dispatched from OIPE
12-19-2000	Application Is Now Complete
08-03-2000	Notice Mailed--Application Incomplete--Filing Date Assigned
08-03-2000	Correspondence Address Change
07-05-2000	IFW Scan & PACR Auto Security Review
06-09-2000	Initial Exam Team nn

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JUL-24-2006 18:58 FROM:

TO:USPTO

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TO:USPTO

P.150/154

Page 1 of 2

Search results as of: 05-02-2006::20:25:18 E.T.

<b>Transaction History</b>	
<b>Date</b>	<b>Transaction Description</b>
10-26-2004	Post Issue Communication - Certificate of Correction
07-20-2004	Recordation of Patent Grant Mailed
07-01-2004	Issue Notification Mailed
07-01-2004	Application Is Considered Ready for Issue
06-30-2004	Workflow - Query Request - Finish
07-20-2004	Patent Issue Date Used in PTA Calculation
06-28-2004	Receipt into Pubs
03-08-2004	Issue Fee Payment Verified
06-23-2004	Receipt into Pubs
06-22-2004	Receipt into Pubs
06-17-2004	Record Petition Decision of Granted to Make Special
09-07-2001	Petition Entered
06-17-2004	Mail Miscellaneous Communication to Applicant
06-17-2004	Miscellaneous Communication to Applicant - No Action Count
06-15-2004	Correspondence Address Change
03-21-2003	Amendment Crossed in Mail
06-14-2004	File Marked Found
06-08-2004	File Marked Lost
03-03-2004	Workflow - Customer Service Request - Finish
04-01-2004	Receipt into Pubs
03-30-2004	Workflow - Query Request - Begin
03-08-2004	Issue Fee Payment Received
03-03-2004	Workflow - Customer Service Request - Begin
02-26-2004	Receipt into Pubs
02-25-2004	Workflow - File Sent to Contractor
02-25-2004	Receipt into Pubs
02-25-2004	Dispatch to Publications
11-12-2003	Information Disclosure Statement (IDS) Filed
12-18-2002	Information Disclosure Statement (IDS) Filed
11-14-2002	Information Disclosure Statement (IDS) Filed
02-10-2004	Mail Notice of Allowance
02-09-2004	Notice of Allowance Data Verification Completed
02-04-2004	Date Forwarded to Examiner
02-04-2004	Withdrawal of Notice of Allowance
02-11-2003	Information Disclosure Statement (IDS) Filed
09-20-2002	Information Disclosure Statement (IDS) Filed
03-21-2003	Date Forwarded to Examiner
03-19-2003	Request for Continued Examination (RCE)
03-21-2003	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
03-10-2003	Workflow - Request for RCE - Begin
09-24-2002	Preliminary Amendment
07-27-2001	Preliminary Amendment

[http://portal.uspto.gov/external/PA\\_1\\_0\\_18L/PrinterFriendlyServlet?selPriPage=fileHistory...](http://portal.uspto.gov/external/PA_1_0_18L/PrinterFriendlyServlet?selPriPage=fileHistory...) 5/2/2006

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TO:USPTO

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**Page 2 of 2**

04-23-2002	Case Docketed to Examiner in GAU
04-23-2002	Case Docketed to Examiner in GAU
03-04-2002	Case Docketed to Examiner in GAU
10-24-2001	Application Dispatched from OIPE
10-16-2001	Application Is Now Complete
07-26-2001	Correspondence Address Change
07-26-2001	Correspondence Address Change
07-25-2001	Correspondence Address Change
07-13-2001	IFW Scan & PACR Auto Security Review
06-27-2001	Initial Exam Team nn

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P. 153/154

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**From:** Scott, Walter  
**Sent:** Tuesday, April 25, 2006 6:00 PM  
**To:** 'efola@uspto.gov'  
**Subject:** request made pursuant to the Freedom of Information Act

Pursuant to the Freedom of Information Act (FOIA), we request a copy of all documents (whether electronic or paper) concerning U.S. Patent Application No. 09/590,692, U.S. Patent Application No. 09/894,637, or both applications that are not in the official file of the for these applications. These patent applications matured into U.S. Patents Nos. 6,772,132 and 6,766,304, respectively.

This request includes all correspondence (including, but not limited to email correspondence) between the US Patent and Trademark Office (USPTO) – e.g., Examiner Richard.Weisberger@USPTO.GOV – and the applicants and/or their representatives – including, but not limited to Ankur D. Shah (ashah@foleylaw.com) or Steve.Borsand@tradingtechnologies.com – that is not in the official file of these applications. This request also includes all interview summaries (not entered into the official file) concerning either of the above-identified applications.

This request is for documents dated between March 1, 2002 to August 31, 2004.

In particular, we have reason to believe that there are a number of emails between Examiner Weisberger and the applicants' representatives that are not in the official file – i.e., these emails do not appear in the certified copy of either application provided by USPTO – of either of the above-identified U.S. patent applications. Thus, this request includes at least emails of the following dates:

May 6, 2002; May 9, 2002; May 14, 2002; May 21, 2002; June 24, 2002; June 26, 2002; June 27, 2002; July 12, 2002; September 11, 2002; September 24, 2002; September 26, 2002; September 27, 2002; October 1, 2002; October 2, 2002; December 17, 2002;

March 3, 2003; March 18, 2003; March 19, 2003; March 20, 2003; March 21, 2003; March 27, 2003; April 25, 2003; May 27, 2003; July 3, 2003; August 25, 2003; September 8, 2003; September 23, 2003; October 3, 2003; October 7, 2003; October 8, 2003; October 15, 2003; October 16, 2003; October 17, 2003; October 21, 2003; October 22, 2003; October 23, 2003; December 4, 2003; December 9, 2003; December 11, 2003; December 16, 2003; December 18, 2003; December 19, 2003; December 22, 2003; December 23, 2003; January 2, 2003; January 5, 2003; January 11, 2003; January 12, 2004; January 13, 2004; January 30, 2003;

February 3, 2004; February 4, 2004; February 26, 2004; March 1, 2004; and June 4, 2004.

Section 502.03(E)(ii) of the Manuel of Patent Examining Procedures ("MPEP") states that email correspondence with an Examiner concerning an application is to be printed out and placed in the official file for each application. ("A paper copy of such [email] correspondence will be placed in the appropriate patent application." Emphasis added). Both the August 2001 and the current version of the MPEP make this statement.

The requested records were part of the examination of the above-identified patent applications and the patents that matured from these applications are the subject of a number of litigations pending in the Northern District of Illinois. A *Markman* hearing is currently scheduled to begin on June 1, 2006 in the case captioned Trading Technologies International, Inc. v. eSpeed et al. Case No. 04 C 5312 in the Northern District of Illinois.

Because the undersigned first learned of the existence of the requested records last week, and the incompleteness of the patent files can impact the *Markman* hearing, your requestor asks that this request for records be expedited.

Please send all copies being provided as well as the invoice for any fees and disbursements to the below stated address. However, please contact us if the fees and disbursements for this search are expected to exceed \$1000.

Respectfully submitted,

Alston & Bird

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Alston & Bird

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